United Nations CEDAW/C/SR.1257

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
4 November 2014

English only

Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record of the 1257th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 28 October 2014, at 10 a.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Belgium

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-19415 (E) 031114 041114

1419415

Please recycle

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Belgium (CEDAW/C/BEL/7; CEDAW/C/BEL/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Belgium took places at the Committee table.*

2. **Mr. Pasteel** (Belgium), introducing the seventh periodic report of Belgium (CEDAW/C/BEL/7), said that his Government had adopted several pieces of legislation intended to combat gender-based discrimination and to promote respect for gender equality. The Civil Code had been amended in 2014 to guarantee equal rights of women and men to transmit their family names to their children, in accordance with the Committee's recommendation, allowing parents to choose whether a child would bear the father's or mother's surname, or both surnames in the order that the parents chose. Adoptive parents had the same options under the law. Couples or adoptive parents who already had children could also benefit from the new law, subject to certain conditions.

3. Each of the regional governments had at least one gender focal point. As part of its efforts to ensure the effective implementation of its anti-discrimination legislation, Belgium had taken steps to improve its procedure for dealing with complaints of gender-based discrimination. Moreover, under a 2013 joint circular on discrimination and hate crimes of the Minister of Justice, Minister of Internal Affairs and the Belgian College of Prosecutors General, prosecutor's offices were required to record all cases of gender-based discrimination.

4. A new law criminalizing sexism had entered into force in August 2014. The law provided that any person behaving in a flagrantly sexist manner could be called to appear before the courts or incur a prison sentence or a fine. The fight against sexism was closely linked to the fight against gender stereotypes. In that connection, the Flemish authorities had launched the Genderklik awareness-raising campaign, which was aimed at raising public awareness of the impact of gender on everyday situations through a variety of projects and activities. Campaigns to raise awareness of and to combat gender stereotypes had also been launched in schools and in cooperation with the media in the French Community. In the Brussels-Capital Region, campaigns against gender stereotypes, sexism and harassment had also been launched.

5. Several pieces of legislation on gender mainstreaming had been adopted or were in the process of being adopted. The legislation in question was based on the 2007 federal law on gender mainstreaming and was binding upon all relevant ministries, departments and authorities. In 2008, the Flemish authorities had established a set of objectives relating to equal opportunities and required ministers to promote equal opportunities in their respective areas of competence. Belgium had made significant progress in collecting statistics disaggregated by sex and in developing gender indicators. Efforts to collect data would continue, as having a clear understanding of the gender disparities in Belgian society was essential for successfully mainstreaming gender perspectives into public policies.

6. Belgium had given effect to the Committee's general recommendation No. 19 on violence against women by implementing a comprehensive national strategy to combat all forms of such violence. A national action plan to combat partner violence, forced marriage, violence committed in the name of honour and female genital mutilation for the period 2010–2014 had been adopted in November 2010 and had received international recognition. The national action plan had been reviewed in June 2013 and a working group on sexual violence had been set up to prepare the next plan. Furthermore, Belgium expected to

complete the process of ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in the near future and to use it as the basis for the next national action plan. Belgium also intended to take better account of the vulnerability of some groups of women, such as migrant women and women with disabilities, when devising measures to combat violence against women and domestic violence. However, despite the raft of measures taken in recent years, many victims were still reluctant to report acts of violence and to seek assistance. Efforts had been undertaken at all levels of the country to raise the awareness of the public and certain target groups of the need to report acts of violence, and to assist the victims of violence. Those efforts had included the launching of prevention campaigns, the setting up of hotlines, the development of websites and the dissemination of brochures. Moreover, appropriate training had been provided to professionals working the judicial, health-care and psychosocial sectors. A support centre for combating partner violence had been set up in Wallonia in 2014. Belgium was working to increase the number of shelters available to women who were victims of domestic violence. A special shelter for women had been set up in the Brussels-Capital Region in 2014.

7. A number of laws had been passed in 2013 to crack down further on human trafficking. The definition of trafficking for the purpose of sexual exploitation had been broadened; the exploitation of begging and prostitution and human trafficking carried harsher penalties, depending on the number of victims; and buildings which had been used for the purposes of human trafficking or the exploitation of prostitution were now explicitly subject to confiscation under the law. Furthermore, the second national action plan to combat human trafficking, which covered the period 2012–2014, was currently being implemented.

8. The results of the elections held in May 2014 had demonstrated the effectiveness of the laws on parity in electoral lists. Currently, women accounted for at least 40 per cent of the members of parliamentary assemblies. Moreover, women made up for around 30 per cent of the members of the newly elected regional governments. Most authorities had adopted temporary special measures to increase the participation of women in management and decision-making bodies in 2007. A major campaign to promote the equal participation of men and women in decision-making bodies had been launched in the French Community in March 2014.

9. The three Communities combated gender stereotypes and promoted gender equality in schools through textbooks and providing teachers with continuous training on gender issues. Moreover, a master's programme on gender and diversity had been launched in Flanders.

10. The Federal Government had been increasingly effective in mainstreaming gender perspectives into employment policies as a matter of priority. Another priority was the need to reduce the gender wage gap in the country. In that connection, a special task force responsible for overseeing the effective implementation of the 2012 law concerning the gender wage gap had been set up. Belgium had met the majority of the Barcelona objectives on the development of childcare facilities and would continue its efforts to guarantee all children under the age of 2 a place in a good-quality, affordable childcare establishment.

11. The Federal Government had improved access to contraception and had made certain contraceptives free for persons under 21 years of age. A considerable number of initiatives to raise awareness of sexual and reproductive rights had also been carried out.

12. Civil society organizations were widely consulted either through formal consultative bodies or on an ad hoc basis on matters concerning them. Furthermore, a Royal Decree of 21 July 2014 provided that three specialized NGOs responsible for providing care to

victims of human trafficking were to be included in the national coordination mechanism to combat that phenomenon. Civil society organizations had been consulted during the preparation of the State party's report and the recommendations contained in their alternative reports had also been taken into account. While Belgium had made significant progress in promoting respect for women's rights and eliminating gender-based discrimination, much remained to be done.

Articles 1 to 6

13. **The Chairperson**, speaking in her capacity as an expert, said that, while the Belgian Constitution enshrined the principles of equality before the law and non-discrimination, it made no specific reference to the exhaustive definition of discrimination against women contained in article 1 of the Convention. The State party was to be commended on the legislative measures that it had taken to combat discrimination in general. However, she would be interested to know whether the State party intended to take measures at the federal level to eliminate all forms of discrimination against women in all sectors. She asked how the State party ensured legal coherence between the different levels of government, the federal and regional parliaments and the different courts; whether there were plans to grant the Institute for the Equality of Women and Men the status of an independent national human rights institution in accordance with the Paris Principles; whether the State party planned to incorporate the Convention more fully into its domestic legal order; and what measures the State party had taken to combat discrimination against minority women, including female migrants.

14. **Ms. Šimonović**, recalling that several failed attempts had been made to incorporate into law a general principle designed to give treaties the same standing as the provisions of internal law, said the fact that the Court of Cassation had confirmed the primacy of the provisions of international treaties directly affecting internal law over the provisions of national law was a welcome development. However, it was clear that judges needed to have in-depth knowledge of international law to apply those provisions correctly. She asked whether judges, prosecutors and lawyers were provided with training on the Convention and its Optional Protocol and whether there was a body responsible for challenging laws that ran counter to the Convention.

15. **Ms. Pomeranzi** said that there appeared to be problems with the general functioning of the national machinery for the advancement of women. A number of programmes addressing key areas of concern to women had been launched but there seemed to be little coordination between them. Moreover, the overall strategy for mainstreaming a gender perspective appeared to be fragmented. She asked whether the Institute for Equality between Women and Men was a truly independent body. She requested clarification on the role played by technical bodies such as the Institute for Equality between Women and Men and that played by the federal authorities in framing gender-related policies.

16. **Mr. De Crombrugghe** (Belgium) said that it was the prerogative of the Belgian State to determine its internal organization. While the Convention applied to the whole of the national territory, the country's unique composition and the fact that political power was divided among the different federated entities of the country meant that the Convention could not be implemented in the same way in each region.

17. **Ms. Gallant** (Belgium) said that the work to establish a national human rights mechanism, which had begun under the previous Federal Government, was continuing under the newly-elected Federal Government. The mandate of the national human rights mechanism would cover certain aspects of the work done, inter alia, by the Centre for Equality of Opportunity and the Struggle against Racism and Discrimination and the Federal Centre for the Analysis of Migration Flows, the Protection of the Fundamental Rights of Foreigners and the Fight against Trafficking in Human Beings. The national

human rights mechanism would also deal with issues relating to the rights of the child and to the rights of persons with disabilities. However, a draft cooperation agreement establishing the national human rights mechanism had yet to be concluded.

18. Judges, prosecutors and lawyers had not been provided with specific training on the Convention itself but had received training on a range of related topics, such as gender-based discrimination, violence against women, forced marriage, human trafficking and female genital mutilation.

19. In Belgium, the provisions of international conventions did not need to be incorporated directly into the national legal framework to be valid. A judge could decide to disregard a domestic provision if it ran counter to a provision of an international convention ratified by Belgium. The national courts were responsible for deciding whether a provision of an international convention was directly applicable or not. Many pieces of existing legislation already upheld the rights enshrined in the Convention. In practice, domestic provisions or provisions of European Union law were invoked more often than those of the Convention.

20. **Mr. Pasteel** (Belgium) said that the 2007 federal law on gender mainstreaming would be reviewed in the near future. The Institute for the Equality of Women and Men had been established in accordance with European Union directives and was an independent body tasked with assisting victims of gender-based discrimination, handling complaints and conducting research in the area of gender equality. Moreover, the Institute could issue opinions and recommendations. The Institute had also concluded cooperation agreements with different federated entities in an attempt to better coordinate efforts to promote gender equality.

21. **Ms. Adriaenssens** (Belgium) said that the French Community had adopted a decree aimed at combating certain forms of discrimination in 2008. The French Community had also concluded a cooperation agreement with the Institute for the Equality of Women and Men. Under the cooperation agreement, the Institute could deal with complaints of discrimination, provide training to public officials and issue opinions or recommendations to the French Community authorities.

22. **Ms. Gallant** (Belgium) said that the Council of State reviewed bills to ensure that they were in line with the provisions of the Convention. The Constitutional Court was responsible for reviewing the implementation of national legislation and ensuring its compliance with the State party's international legal obligations.

23. **Ms. Joly** (Belgium) said that a federal approach to gender equality had been developed in which all federal ministries participated. The federal gender action plan provided for a series of measures to promote gender parity, including protocols, handbooks and circulars. The Federal Government had made significant progress in collecting national data disaggregated by sex and had introduced an evaluation mechanism which identified any persisting weaknesses or gaps in its data-collection methods.

24. **Ms. Smisdom** (Belgium) said that the Flemish Region had established gender mainstreaming mechanisms and indicators and took account of gender considerations in its regional policies.

25. **Ms. Schulz** congratulated the State party on its use of non-sexist terminology in domestic legislation and asked what steps had been taken to ensure that the language used in national policies promoted the participation of women in all areas of public and political life, including the labour market.

26. **Ms. Pomeranzi** asked whether sufficient federal and regional financial and human resources had been allocated to the national machinery for the advancement of women and requested further information on the coordination between the Institute for the Equality of

Women and Men and the ministries dealing with issues relating to the empowerment of women for purposes of gender mainstreaming at both the federal and regional levels.

27. **Ms. Neubauer** asked what steps had been taken to raise awareness among parliamentarians of the provisions of the Convention and the Committee's general recommendations and encourage them to attend the State party's constructive dialogue with the Committee.

28. **Ms. Šimonović** asked the delegation to provide concrete information on the steps taken to integrate the content and main principles of the Convention into national law as well as examples of any court decisions directly invoking the Convention. She also wished to know whether the provisions of the Convention and Optional Protocol were integrated into training and awareness-raising programmes for judges, prosecutors and lawyers.

29. **Mr. Pasteel** (Belgium) said the Government had taken measures to ensure that the language used in gender policies promoted equality and refrained from reinforcing negative gender stereotypes. The national gender mainstreaming law of 2007 provided for a regular analysis of the impact of public policy on gender equality and encouraged gender-specific language in national legislation and policy, particularly in regard to employment, in order to reduce gender inequalities.

30. **Ms. Joly** (Belgium) said that the delegation would provide the Committee with a detailed breakdown of federal budget allocations for gender equality at a later date. By way of example, she said that the Institute for the Equality of Women and Men received annual funding of around €5 million, around half of which was set aside for staff expenditure. Each federal ministry had its own budget line and organized training programmes on gender mainstreaming. The Federal Government had also recently published a circular for all federal ministries which contained detailed advice on budgetary resources for gender issues. As for the availability of national data disaggregated by sex, the Federal Government had published brochures containing a number of gender indicators which showed trends in gender equality, and had established a working group within the High Council of Statistics which was responsible for devising recommendations to enhance the coherence of data collection at federal and regional levels.

31. **Ms. Adriaenssens** (Belgium) said that efforts had been made in the Walloon Region to evaluate the impact of language used in regional policies on gender equality. Steps had also been taken to encourage women parliamentarians to attend and participate in the State party's constructive dialogue with the Committee.

32. **Ms. Joly** (Belgium) said that the Federal Government regularly discussed the Committee's concluding observations and general recommendations and devised effective implementation measures.

33. **Ms. Gallant** (Belgium) said that, as European legislation contained extensive safeguards against sexual discrimination and gender inequality, women victims of sexual discrimination or abuse therefore tended to invoke its provisions rather than those of the Convention when bringing cases before the courts. Similarly, women in Belgium had so far not had recourse to complaints under the Optional Protocol, as they had been able to obtain redress using domestic remedies.

34. **Ms. Neubauer** asked whether the Federal Government had incorporated special temporary measures into its national gender mainstreaming law of 2007 so as to accelerate de facto equality between men and women in all areas. She also wished to know whether special temporary measures had been implemented at the federal and regional level for disadvantaged groups of women, including rural women, women with disabilities and women from ethnic and religious minorities. As for the Flemish Community's recent study on affirmative action, she enquired as to whether steps had been taken to raise awareness of

special temporary measures and promote their use in federal and regional policies, in accordance with article 4 of the Convention. Lastly, she requested further information regarding the provisions and implementation status of legislation adopted in 2010 to promote the participation of women on the boards of public and publicly listed companies.

35. **Ms. Acar** asked whether, as recommended by the Committee in its previous concluding observations (CEDAW/C/BEL/CO/6), the State party had undertaken research into all forms of violence against immigrant, refugee and minority women and girls, including female genital mutilation and, if so, what had been the outcome of that research. She also wished to know what steps had been taken towards the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and whether the State party intended to submit any reservations thereto. She stressed the importance of establishing systematic and regular collection and analysis of data and information on all forms of violence against women, including domestic violence and sexual harassment, disaggregated by sex, type of violence and relationship between victim and perpetrator, and urged the State party to review its gender-neutral approach to violence, given that such an approach undermined the fact that women continued to be disproportionately affected by violence in the public and private spheres. Lastly, she enquired as to whether efforts would be made to ensure that sexual abuse was qualified under the Criminal Code as a crime against the person rather than as an offence against public morality and family order.

36. **Ms. Gabr** asked what measures had been taken to combat racism and discrimination against vulnerable groups of women such as migrant women. She also wished to know whether research had been carried out on the impact of the regulations and by-laws of schools, public hospitals, local authorities and private enterprises banning the use of headscarves, in particular on access by women and girls to education and employment opportunities, and whether measures had been taken to eliminate any discriminatory consequences of such a ban. Lastly, she enquired as to whether safeguards had been put in place to protect women asylum seekers and undocumented women who had been victims of domestic violence so that they could report cases without fear of being deported from the State party.

37. **Ms. Šimonović** asked whether the State party had taken specific steps to integrate the main concepts and principles of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence into national law and bring the definition of rape contained in its Criminal Code into line with the provisions of that Convention. She also wished to know whether shelters for victims of domestic violence received State funding and took in migrant women as well as Belgian nationals. Lastly, she requested additional data on partner violence and on the number of women killed by their partners, including information on the prosecutions, convictions and sentences imposed on perpetrators.

38. **Ms. Jahan** asked whether the Federal Government had established a mechanism to monitor and evaluate the effectiveness of the National Plan of Action to Combat Human Trafficking adopted in 2008 and had allocated resources to programmes and plans for preventing and combating human trafficking. She also wished to know whether the State party intended to grant special protection, including temporary residence permits, to victims of trafficking, even when they were unwilling or unable to cooperate with the legal authorities.

39. **Ms. Leinarte** asked whether the State party had taken steps to establish a strategy to reduce demand for prostitution in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), and whether it had carried out surveys to collect data on sex workers in the country

disaggregated by gender, ethnic origin and nationality. Were rehabilitation and reintegration programmes available for women wishing to leave prostitution?

40. **Mr. Pasteel** (Belgium) said that, while a royal decree that was supposed to put in place temporary special measures at the federal level in accordance with the 2007 law on gender mainstreaming had not been issued during the previous legislative period, the decree would be taken into account during the Government review of the law and equal opportunity policy and issued under the current legislature.

41. **Ms. Vandenbossche** (Belgium) said that the Flemish Authority had carried out a study on temporary special measures which sought to clarify what was meant by and the legal scope of such measures. For example, rather than quotas, the Flemish Authority referred to "targets". One such target was to have 10 per cent of persons working in public administration come from minority backgrounds. Another was the level of reasonable accommodation for women with disabilities to be provided by employers.

42. **Ms. Joly** (Belgium), responding to the question on whether the 2011 Act concerning women's participation in the boards of directors of listed companies and autonomous public enterprises was applied uniformly to regions and communities, said that it applied only to federal public enterprises. However, virtually all the federated entities had set a one-third quota for the top management of public enterprises. All levels of government also had quotas for the advisory bodies of the entities.

43. **Ms. Gillain** (Belgium) said that the Walloon Region had adopted three decrees in January 2014 providing for a one-third quota on the boards of non-profit organizations and homes for older people approved by the Region.

44. **Ms. Vandenbossche** (Belgium), referring to efforts to combat stereotypes of women from ethnic minorities, said that the not-for-profit organization Ella, which focused on the emancipation and empowerment of women and girls with migrant backgrounds, created teaching aids and organized debates on issues such as mixed relationships and marriage migration. Every year, some 15,000 new migrants were enrolled in civic orientation courses that included gender-related themes such as spousal violence and the prohibition of female genital mutilation in Belgium. The Ministry for Equality of Opportunity, in cooperation with NGOs, had set up a project to stimulate dialogue between girls and boys from ethnic minorities in order to create gender awareness and change gender stereotypes.

45. **Ms. Adriaenssens** (Belgium) said that there was no law banning headscarves or conspicuous religious symbols in public schools in the French Community and it was for individual schools to draw up their own dress codes. Nor was there any legislation regulating the issue in alternative education networks.

46. **Ms. Vandenbossche** (Belgium) said that, since September 2013, there had been a ban on wearing religious insignia of any kind in official educational institutions owned by the Flemish Community and funded by the Flemish Government. In subsidized public schools organized by municipalities or provinces and subsidized free schools, including Catholic schools, it was for the school administration to decide. However, following a recent judgement by the Council of State, the debate had been reopened with respect to the official educational establishments. A Sikh student who had not been permitted to wear his patka had brought his case to the Council of State, claiming a violation of his freedom of religion, and the Council had nullified the ban in that specific school, although the general ban remained in place.

47. **Mr. Belkacemi** (Belgium) said that violence against women was a cross-cutting issue in Belgium. The Institute for the Equality of Women and Men coordinated activities in that area and brought together all federal, regional and community departments to develop a joint approach under the national plan of action concerning violence between

partners and other types of domestic violence. There had been no national studies on violence against migrant women specifically, although a more general study on violence against women had been carried out in 2010. There was a range of specific activities for migrant women on a variety of issues, including female genital mutilation, forced marriage and honour crimes. For example, a brochure with comprehensive information on rights and available services, including special helplines, for victims of domestic violence had been published in 17 languages and widely distributed. The State party's policy on female genital mutilation was extremely proactive. There were now two centres — in Brussels and Ghent — for victims of female genital mutilation, providing a wide range of services. Other tools for addressing the problem included awareness-raising activities in hospitals, training for doctors and a guide for lawyers. There had been two studies on the prevalence of female genital mutilation in Belgium. According to the 2012 figures, it was estimated that more than 13,000 girls and women living in Belgium had most probably undergone female genital mutilation and a further 4,000 were at risk. The increase in figures between 2008 and 2012 was attributable to the increase in migrants from countries in which the practice was widespread.

48. **Ms. Gallant** (Belgium) said that, as the Convention on Preventing and Combating Violence against Women and Domestic Violence required ratification at the federal, community and regional level and given the number of parliamentary assemblies in Belgium, the ratification process necessarily took some time. However, most of the authorities had already adopted decrees approving ratification. At the federal level, the corresponding bill had been finalized and would soon be submitted to the Government. With regard to the criminal classification of sexual abuse, the fact that sexual violence currently came under a broad title of the Criminal Code, did not in any way detract from the priority attached to prosecuting such offences. The Federal Government had recently decided to review and modernize the Criminal Code and would be considering the reclassification of sexual violence in the process. The State party continued to enact laws against sexual offences as needed; for example, two new laws had recently been adopted to protect minors against solicitation for sexual purposes and online grooming.

49. Rape was criminalized under the Criminal Code and the relevant provision stated that all acts of sexual penetration, of any nature and by whatever means, committed against a non-consenting person constituted rape; aggravating circumstances were provided for in cases involving the rape of a minor. With regard to murder in the context of domestic violence, some 470 cases had been brought before the courts between 2011 and 2013. The Interdepartmental Coordination Unit for the Fight against Trafficking in Persons, headed by the Minister of Justice, brought together all political and operational stakeholders at the federal level and was responsible for developing and monitoring the implementation of national plans of action in that area. A bureau made up of the main services involved in combating trafficking in persons met every month and developed initiatives and recommendations.

50. Regarding the link between prostitution and trafficking in persons, the Belgian definition of trafficking was one of the broadest in the world and covered trafficking for a variety of purposes, including sexual and economic exploitation, which were considered aggravating circumstances rather than actual elements of the crime. There were no plans to criminalize prostitution as such or to criminalize clients. A working group on trafficking had considered the issue but had ultimately decided it was not appropriate for a number of reasons, including the fact that clients had agreed to testify in a number of cases of trafficking and thus deciding to prosecute clients might be counterproductive. There were, however, specific provisions concerning minors and penalties for clients who went to underage prostitutes.

51. **Ms. Hautot** (Belgium) said that approximately 19 per cent of the asylum applications considered in 2013 had contained claims on gender-related grounds. Refugee status had been granted to almost 900 persons who had filed claims on the grounds of forced marriage, 775 who had feared female genital mutilation personally or against a daughter and 105 persons who had feared an honour crime. Approximately 500 girls were being monitored under the follow-up mechanism to ensure the physical integrity of girls who had been granted refugee status on the grounds of fear of female genital mutilation. There were special brochures in various languages on the asylum procedure for women and girls. A residence permit could be requested exceptionally by women who were the victims of violence or were in a state of vulnerability. Residence permits obtained in the context of family reunification would not be withdrawn from women who were victims of domestic violence and were no longer with the person with whom they had been reunited. The principle of non-refoulement also applied in such cases.

52. Victims of human trafficking were not obliged to cooperate in order to receive protection and assistance. They had a period of 45 days in which to decide whether to accept victim status. If victims decided to cooperate, they were not obliged to appear as witnesses. Even if victim status had not been granted, they could still apply for residency or asylum on humanitarian grounds. The shelters for minor victims of trafficking were specialized and always place the best interests of the child first and worked with the minor's guardian.

53. **Ms. Smisdom** (Belgium) said that the authorities were aware that migrant women were overrepresented at women's refuges. The Flemish authorities had put in place a whole system of safeguards and services for victims of domestic violence that were readily accessible. Efforts were being made to address the problem in migrant communities in particular.

54. **Ms. Gillain** (Belgium) said that the Walloon Region funded 15 shelters for women victims of violence from all backgrounds. The shelters, which provided a 24-hour service, must always have at least two beds available for emergency cases.

55. **Ms. Absil** (Belgium) said that there were 14 shelters in the Brussels-Capital Region, some of which provided accommodation to women with children. One of the centres, with a capacity for 24 persons, was exclusively for victims of violence.

56. **Ms. Acar** asked about the reasons for the low reporting rate and conviction rate for sexual abuse. She expressed concern that, in practice, it was very difficult for migrant women who were the victims of violence to obtain their own residence permits independently of their spouse. She also asked the delegation to comment on reports that when called on to deal with cases of domestic violence, the police often asked about immigration status instead of immediately dealing with the victim.

57. **Ms. Gabr** welcomed the fact that the debate on wearing headscarves was being reopened in some Flemish schools and expressed the hope that other regions would follow suit. She wondered what was being done to ensure stronger enforcement of the law on female genital mutilation.

58. **Ms. Jahan** said that there appeared to be a number of impracticable requirements for victims of domestic violence to acquire residence permits, for example providing medical records and showing independent income sources. She wondered what was being done to ensure that the issuance of residence permits to victims of trafficking was not made conditional on their cooperation with the court authorities, as recommended by the Group of Experts on Action against Trafficking in Human Beings.

59. **Ms. Leinarte** asked whether the Government was giving any consideration to addressing demand for prostitution, given the link between such demand and trafficking for the purpose of sexual exploitation.

60. **Ms. Šimonović** asked whether the 24-hour helplines available at the regional level were also in place at the federal level. With regard to victims of sexual violence, she wondered whether there was any one-stop centre providing the full range of services required.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1258

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
6 November 2014

English only

Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record (partial)* of the 1258th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 28 October 2014, at 3 p.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Belgium (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-19416 (E) 061114 061114

1419416

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Belgium (continued) (CEDAW/C/BEL/7; CEDAW/C/BEL/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Belgium took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. Gallant** (Belgium), drawing the Committee's attention to figures provided in the report, said that, since June 2013, police automatically entered the gender of victims of violence into prosecution service databases. However, cases that were brought through other channels were registered manually, so data remained incomplete. A third anti-trafficking plan was being prepared for the period 2015–2018 and would be discussed shortly by the new Federal Government. No data was available on prostitution, but there were statistics on victims of trafficking, disaggregated by the purpose of trafficking. Victims of trafficking for the purpose of sexual exploitation were mainly from Albania, Belgium, Bulgaria, Hungary, Nigeria and Romania. A federal bill on the incorporation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence had been drafted and the competent minister would determine whether any reservations and legislative amendments might be necessary.

3. Replying to questions regarding complaints for sexual abuse, she said that the conviction rate in rape cases between 2009 and 2011 had been nearly 75 per cent. Discontinuance of proceedings was much more common in domestic violence cases, usually because of insufficient evidence. One of the major problems with the Sexual Aggression Set was the need for victims to undergo tests within 72 hours. For that reason, the authorities and the Institute for the Equality of Women and Men had run a large-scale campaign in 2014 to encourage victims to come forward. The circular regarding the Set was being amended to take into account observations made by civil society, and the new national action plan to combat partner violence and other forms of domestic violence for 2015–2019 would include sexual violence.

4. The small number of complaints regarding female genital mutilation was likely due to the fact that it tended to be performed in the greatest secrecy, but there was evidence that awareness-raising efforts were having a positive impact. A circular was being drafted on the topic of honour crimes, which might also be broadened to include female genital mutilation and forced marriage.

5. **Mr. Belkacemi** (Belgium) outlined the measures taken to encourage persons to report cases of female genital mutilation, including: the publication of a brochure on the circumstances in which professionals could break confidentiality rules in order to prevent a case or assist a victim; the preparation of a lawyer's guide to processing asylum requests related to female genital mutilation; the training of health-care professionals in hospitals whose catchment area included at-risk communities; and the distribution at border crossings of a booklet containing information on relevant international and Belgian law, the health effects of the practice and contact persons.

6. **Ms. Adriaenssens** (Belgium) said that the authorities of the French Community funded civil society efforts to prevent and raise awareness of female genital mutilation. A prevention kit containing information for professionals and families was distributed at peak periods, especially in the lead-up to summer holidays when members of the Communities concerned often travelled back to their countries of origin.

7. **Ms. Van Lul** (Belgium), replying to questions regarding residency permits for victims of trafficking or violence, said that the Government had no intention of amending its legislation because it was already in line with Council Directive 2004/81/EC of 29 April 2004 on residence permits issued to third-country nationals who were victims of trafficking or involved in illegal immigration but cooperated with the competent authorities. When individuals were not given the status of trafficking victims, they could apply for residency on humanitarian grounds or for asylum. Thus, individuals' specific situations were always taken into account in practice. She stressed that being a victim of violence was not grounds for the revocation of residency. Persons in an irregular situation who were caught by the police had to be reported to the competent authorities; however, if the police found signs that they had suffered violence, appropriate steps were taken to ensure that they received the assistance they needed. Such individuals could also request residency on humanitarian grounds or asylum as a vulnerable person or return voluntarily to their country of origin, with the support of the International Organization for Migration.

8. **Ms. Vandenbossche** (Belgium) said that Flanders did not have centres specifically for victims of sexual violence, but that welfare centres provided victim support. The authorities, in cooperation with Child Focus and the non-profit organization Sensoa, had established strategic frameworks on sexuality and physical integrity in five areas, including education, sports and childcare.

9. **Ms. Gillain** (Belgium) said that the Walloon Region did not have specific services for victims of sexual violence either; however, a decree adopted in May 2014 on family planning centres provided for a range of sexual and reproductive health education, care and counselling services. A free and anonymous domestic violence hotline had been set up in the Walloon Region and the territory of the French Community and, since 1 January 2014, had been operated by specialized resource centres. Over 300,000 euros had been allocated to it that year.

10. **Ms. Absil** (Belgium) said that there was no single resource for victims of sexual violence in the Brussels-Capital Region either, but gynaecologists, midwives and family doctors were provided with training to recognize the signs of domestic violence and ensure that victims received appropriate assistance and treatment.

11. **The Chairperson**, speaking in her capacity as an expert, re-emphasized the importance of international cooperation in the areas of trafficking and sexual exploitation.

Articles 7 and 8

12. **Ms. Schulz** pointed out that, while the State party was a very convincing example of how quotas could have a positive impact on the representation of women, the fulfilment of the quotas varied widely across regions and from one election to the next. Accordingly, she asked whether the State party was considering establishing a mechanism to achieve durable parity at all levels. Citing the country's report on Beijing+20, she asked whether quotas for greater balance in the executive branch were being discussed and, if so, what the related targets and time frame were and whether they would also apply at the municipal level. Referring to information contained in paragraphs 183 and 184 of the report, she wished to know whether the State party was planning more binding measures to promote women in diplomacy and international organizations. She also asked whether the quotas imposed on publicly traded companies were having a trickle-down effect on small and medium enterprises; whether the deadlines for their implementation might not be too long; and whether additional measures might be taken to improve women's career prospects in the private sector.

13. **Ms. Haven** (Belgium), providing figures on women in diplomacy and international organizations, said that the Federal Public Service for Foreign Affairs intended to review

current processes to ensure that they did not discriminate against women. The impact of changes to the diplomatic service examination were not yet known because it was not held annually. Over the past year, the Government had actively supported the candidacy of Belgian women to posts in the United Nations system and had joined an informal group of "like-minded countries" regarding Security Council resolution 1325 to promote gender parity.

14. **Ms. Joly** (Belgium) said that the issue of quotas in the executive branch had not been included in the new Government's agreement and that, to the best of her knowledge no new measures were planned. Quotas were already having a positive impact on women's representation in publicly traded companies and the time frames for their implementation were a reflection of the fact that governing boards tended to have slow turnover.

Articles 10 to 14

15. **Ms. Jahan** asked how the Government was tackling the structural barriers impeding female students' enrolment in non-traditional, scientific and technical fields. What impact had the Flemish Community's STEM (Science, Technology, Engineering and Mathematics) action plan for 2012–2020 had, and would it be implemented countrywide? What progress had been made in implementing the recommendations of the working group on gender issues in higher education, mentioned in paragraph 200 of the report? Would a master's programme in gender and diversity be introduced in the French Community? What steps were being taken to accelerate women's appointment to higher academic positions?

16. Were there plans to provide comprehensive age-appropriate education on sexual and reproductive health in schools? How were the low school enrolment rates and high dropout rates among girls whose families were migrants, asylum seekers or members of ethnic minorities being tackled? What policy safeguards were in place to ensure that teenage mothers returning to school did not face discrimination?

17. Noting that the ban on religious dress in schools could deter girls from certain ethnic and religious minorities from attending school, and might violate their right to freedom of expression and of religion, she asked whether the State party would soon review the ban. She asked why Belgium was not a party to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education.

18. **Mr. Bruun** expressed concern about the persistent horizontal and vertical gender segregation in the Belgian labour market and the gap between women's and men's pay. Given the situation, it was odd that so few complaints were filed about wage discrimination. He asked what had been the impact of recent measures, such as the 2012 law to reduce the wage gap and a royal decree on wage structure.

19. How was the State party addressing the persisting disparities in men's and women's unemployment benefits and the fact that women's pensions were a third lower than men's? In particular, why would progress towards pension parity be reviewed only in 2023? How was the State party following up on the numerous complaints about discrimination on the basis of pregnancy and motherhood, and how was it tackling the related problem of insufficient day-care facilities? Why, of the numerous complaints concerning sexual harassment in the workplace, did so few result in court cases and even fewer in convictions?

20. Regarding the explanation by Ms. Joly, he did not understand how staff turnover rates could affect the composition of boards. That did not seem a logical reason for differing deadlines.

21. **Ms. Pomeranzi** asked why there were differences between the regions' health-care systems and whether there were plans to ensure, from the federal level, that the systems

performed equally well. She requested additional information on abortion rates among teenagers and on the sterilization of women with mental disabilities.

22. **Ms. Vandenbossche** (Belgium), replying to questions about education, said that a study dating from September 2014 showed that since the implementation of the STEM action plan the enrolment rate of by female students in technical master's and bachelor's programmes had risen. Special research funds had been established to boost female researchers' careers and promote gender balance in academic research. There was also a scheme giving priority for tenured positions to the underrepresented sex.

23. Flemish Region schools had a comprehensive sexual and reproductive health curriculum. An action plan to reduce the dropout rate had been implemented in 2014; it was too soon to evaluate its impact. There would be further discussion of the ban on religious dress in schools, which had been lifted in some schools. Her delegation would provide an answer to the question about the UNESCO Convention against Discrimination in Education in due course.

24. **Ms. Adriaenssens** (Belgium) said that the French Community had many initiatives to tackle profession-related gender stereotypes and familiarize young people with the range of work opportunities available. A task force was collaborating with the Helsinki Group on Women and Science to encourage female university students to pursue scientific careers. To increase the percentage of female faculty members, gender focal points had recently been appointed at all universities. There were indeed plans to establish a master's programme in gender studies.

25. Regarding access by children of immigrants to higher education, she said that the group in question consisted largely of children of French nationals, who often had dual nationality and thus the same entitlements as other Belgian citizens. There were special scholarships for other categories of migrants. Turning to other issues, she said that the legislation on compulsory education had been amended in 2013 to include sexual and reproductive health, and that all schools must now include such instruction. Her delegation would provide information on its position on the UNESCO Convention against Discrimination in Education in due course.

26. **Ms. Joly** (Belgium), replying to questions about the wage gap, said that workers might not have enough comparative data about wages to see whether they were treated fairly. A 2012 law would help the authorities to obtain comparative disaggregated data and take action against any discriminatory practices identified as a result. Emphasizing that there was a relatively low gap between women's and men's wages in Belgium, she nevertheless agreed that information about relevant legislation needed to be disseminated further. A leaflet on the topic had been published and an information session for employers and employees would be held in February 2015.

27. **Ms. Hautot** (Belgium), in response to the question concerning disparities in unemployment benefits, said that a new unemployment benefit system had been introduced two years previously. The objective was to have a system that would be sustainable in the long term but, at the same time, would uphold the principle of benefits of unlimited duration, promote the re-entry of job seekers into the labour market and increase the rate of employment. The fact that unemployment benefits were gradually reduced over time had a limited impact as it mainly affected heads of households and persons living alone. Couples living in households with other sources of income received payments during the second of the three benefit payment periods that were slightly lower than under the previous system. However, minimum unemployment benefits were guaranteed, and were still higher than the basic social welfare allowance. Moreover, the statutory waiting period for entitlement to unemployment benefit upon completion of education was shorter for certain categories of job seekers, including single mothers. Responding to concerns expressed about the high

level of part-time employment among women, she said that the National Employment Office had instituted a system under which more than 50,000 part-time workers, many of whom were cohabitants, continued to receive benefit payments. The reform of the unemployment benefit system was designed to benefit young people in particular, including young girls.

28. With regard to the low number of complaints of harassment, two new laws had been adopted in 2014 which were more specific than previous legislation. The notion of psychosocial burden had been clearly defined and the roles of all the persons concerned had been clarified. Amendments had been introduced regarding trusted third parties and, significantly, measures offering protection against reprisals had been extended. Victims of violent behaviour could now apply to the labour courts for compensation.

29. **Mr. Pasteel** (Belgium) said that Belgium had a raft of extremely effective laws and measures on pregnancy and maternity. Most of the complaints filed by women with the Institute for the Equality of Women and Men involved discrimination on the basis of pregnancy and/or maternity. However, that form of discrimination was greatly underreported, with victims often being afraid to complain, or unaware of their rights. One solution was to carry out awareness-raising work, including through the media. A brochure on the issue had been disseminated among universities and the social partners.

30. **Ms. Pomeranzi** requested clarification of the data provided relating to sterilization.

31. **Ms. Jahan** requested additional information on how the children of refugees and asylum seekers were integrated into the education system and asked whether any studies had been carried out into sexist or sexual harassment in schools.

32. **Ms. Gallant** (Belgium), in response to the question on sterilization data, said that the sterilization rate among women, particularly women with mental disabilities, was indeed higher than among their male counterparts. However, a new law, which had entered into force in September 2014, had reformed the system governing incapacity and established a protection regime that ensured respect for human dignity. Under the law, protected persons were deemed to be capable in all matters relating to their person, including sterilization. Furthermore, third parties were prohibited from acting on behalf of persons deemed to be incapable in matters relating to sterilization. Consequently, forced sterilization was not carried out in Belgium and all the data provided regarding sterilization corresponded to cases of voluntary sterilization.

33. **Ms. Joly** (Belgium), referring to the comment about the pensions gap, said that in the light of the gender-mainstreaming plan for the period 2012–2013, to the pension system took the gender dimension into account. There was now greater emphasis on ensuring the welfare of persons in receipt of social benefits and pensions, and each year, funding was allocated for that purpose. Recently, efforts had been focused on extremely low pensions, mainly received by women. A major overhaul of the pension system was planned, including reforms addressing the pensions gap.

34. **Ms. Vandenbossche** (Belgium) said that, according to data compiled by a national commission on the termination of pregnancy, in 2010, Belgium had been one of the countries in Europe with the lowest number of abortions. The average age of women undergoing an abortion had been around 27 and that figure had remained stable for several years. Women between the ages of 20 and 30 had accounted for around half of all abortions. The rise in the number of abortions in Belgium might be explained by a number of factors, including: improved registration procedures; easier access to legal, safe abortion; improved care; a more tolerant attitude towards abortion; increased sex education in schools; and the reimbursement of related medical fees. The majority of women undergoing abortion chose to do so either because they did not wish to have any children, or because they did not wish to increase the size of their families.

35. **Ms. Van Lul** (Belgium) said that child asylum seekers were often housed in shelters, where language lessons and other activities were organized. Children could be enrolled in nursery, primary or secondary schools. The French Flemish and German-speaking Communities had all adopted specific legislation in that regard. In the German-speaking Community, special classes had been set up to cater for children who had recently arrived in Belgium and all foreign children had access to education, regardless of their status in terms of residency. However, parental consent was required for school enrolment. Educational establishments ran courses to ensure the integration of such children, including by ensuring that they learned the official language of instruction. Article 24 (3) of the Belgian Constitution set out the right of all children to education and there were a number of related decrees applicable in the three Communities.

36. **Ms. Adriaenssens** (Belgium) said that, in the French Community, some schools had a high number of foreign students, many of whom had not spoken French on arrival. Special teaching units had been set up for such children that provided support for up to 18 months, with a view to ensuring their integration into both Belgian society and the local education system. There were no specific regulations regarding young expectant mothers and each school adapted to their needs accordingly.

37. **Ms. Pomeranzi** expressed concern about reports of multiple discrimination against migrant women and asylum seekers and that migrant and refugee reception centres did not always offer the same services. She requested further information on the prejudice faced by transgender persons attempting to exercise their human rights. Were there any plans to facilitate the legal gender recognition procedure, given that transgender persons currently had to undergo psychiatric assessment and compulsory surgery?

38. **The Chairperson**, speaking in her capacity as an expert, asked whether any studies had been carried out on the impact of the economic crisis on women. She suggested that any future studies in that area could also cover the issue of pensions for women and elderly women.

39. **Mr. Pasteel** (Belgium) said that in a significant development had been the amendment in 2014 of legislation governing gender-based discrimination to cover gender identity and gender expression. There was also a law on transsexuality dating from 2007, under which persons wishing to undergo gender reassignment went through an administrative procedure rather than having to appear before the courts to obtain authorization. However, there were plans to amend that law, to bring it into line with Belgium's international legal obligations and to remove the psychiatric and medical aspects of legal gender recognition.

40. **Ms. Joiy** (Belgium) said that the Federal Planning Bureau had conducted an assessment of measures adopted relating to unemployment benefits and pensions that contained some useful information on the impact of the economic crisis. A series of indicators demonstrated that, initially at least, the economic crisis had had a fairly limited impact on social issues and had affected men more than women. Recent studies had shown that women were living longer, albeit in poorer health and with low incomes.

41. **Ms. Smisdom** (Belgium) said that the Flemish Community had an integrated and comprehensive plan for elderly persons that focused on their specific circumstances and requirements. Its objectives were to ensure their access to economic, social and cultural rights, prevent and eliminate discrimination, promote participation in a wide range of fields, including the assessment of current policies. The main focus of the plan was age not gender, although it did emphasize the importance of taking the gender perspective into account in different areas including health.

42. **Mr. De Crombrugghe** (Belgium) said that the dialogue with the Committee had been a very useful and positive process. In recent years his Government had made

impressive efforts to eliminate discrimination against women, in compliance with its obligations under the Convention, and based on the Committee's recommendations. After paying tribute to the members of the delegation and the Committee, he gave his assurances that his Government would pay due attention to the Committee's future recommendations and remain committed to ensuring equality and combating discrimination in practice.

43. **The Chairperson**, after thanking the members of the delegation for their contribution to the dialogue, commended the State party on its efforts so far, and encouraged it to pursue them. In that connection, she called on the State party to raise awareness about the Convention within its domestic legal order and institutions and to step up implementation of the Convention's provisions.

The discussion covered in the summary record ended at 5.10 p.m.

United Nations CEDAW/C/SR.1259

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
6 November 2014

English only

Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record of the 1259th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 29 October 2014, at 10 a.m.

Chairperson: Ms. Ameline
later: Ms. Jahan (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second periodic reports of Brunei Darussalam

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-19582 (E) 041114 061114

1419582

Please recycle

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second periodic reports of Brunei Darussalam
(CEDAW/C/BRN/1-2; CEDAW/C/BRN/Q/1-2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Brunei Darussalam took places at the Committee table.*

2. **Ms. Othman** (Brunei Darussalam), introducing the combined initial and second periodic reports of Brunei Darussalam (CEDAW/C/BRN/1-2), said that, after the State's accession to the Convention in 2006, a dedicated task force had been established to oversee the preparation of the initial report and implementation of the Convention's provision in general, adding to the various mechanisms for promoting and protecting women's rights that were already in place. Close consultations had been conducted with relevant public and private sector stakeholders including the Council of Women of Brunei Darussalam and the Women's Business Council both prior to accession and during the report preparation process, ensuring that all agencies with an interest in policies affecting women had the opportunity to contribute.

3. While the official religion of Brunei Darussalam was Islam, as set forth in the Constitution of 1959 and the amended version of 2004, non-Muslims were free to practise their religion in peace and harmony. Sharia law had been a feature of the legal infrastructure since the fourteenth century and had been formally enshrined in a number of modern legal texts, including the Islamic Family Act of 2000. The nation's unique legal infrastructure, in which the common law system operated alongside the sharia law system, had been further strengthened in May 2014 with the entry into force of the Sharia Penal Code Order.

4. The 30 years since independence had brought the country peace, growth, prosperity and a vastly improved quality of life which was reflected, inter alia, in higher life expectancy and educational attainment. Women had contributed to those advances and had shared in the benefits. As a result, the Gender Development Index used to measure gender equality in health, education and access to economic resources had risen to 0.981.

5. The principal recent policy development had been the adoption of five discrete national action plans focused, respectively, on women's issues, family institutions, poverty eradication, the situation of older persons and disability. All of the action plans were available for public consultation online and their development and implementation was the responsibility of special committees which met on a monthly basis. The National Action Plan on Women outlined various lines of action in priority areas including legal rights, economic empowerment, work-life balance and data management. Specific lines of action envisaged included a review of laws, policies and regulations to ensure that gender was mainstreamed not only in existing policies but also in the formulation of future policies, and capacity-building initiatives to enhance women's employability and develop their entrepreneurial skills.

6. In education, recent developments had included the introduction of a technical and vocational scholarship scheme which, although available to all students, had so far benefited more young women than men. Women already outnumbered their male counterparts in post-secondary and pre-university education and the World Economic Forum *Global Gender Gap Report 2014* placed Brunei Darussalam in seventh position in terms of girls' enrolment in tertiary education. In the health sector, the most important recent development had been the construction of a dedicated women and children's wing in the State hospital, which was expected to be fully operational by the end of 2014.

7. Looking to the future, one of the policy developments likely to be of most importance to women, and especially to working mothers, was the Government's efforts to recognize and respond to the need for work-life balance. To address incipient concerns about the increasing pressures that women faced as they attempted to juggle work and home responsibilities, a work-life balance programme had been launched within the civil service, offering workshops for male and female employees that covered effective parenting skills, communication and time management. The workshops ran on a quarterly basis and were also open to private sector employees. The aim was to nurture a culture which harmonized the two necessities and acknowledged women's significant contributions to building a solid foundation for national development that started from home.

8. Since joining the United Nations in 1984, Brunei Darussalam had become an increasingly active participant in international human rights initiatives, including in gender-related projects and programmes. In particular, in 2013, her Government had presided over the Association of Southeast Asian Nations (ASEAN) when its leaders had issued the Declaration on the Elimination of Violence against Women and Children and the Declaration on Social Protection – two documents that would guide the Association's work towards ensuring the protection and welfare of vulnerable groups, especially women and children.

9. The Government of Brunei Darussalam acknowledged the challenges facing it in fulfilling its obligations under the Convention. More specifically, it was aware of the need for more sex-disaggregated data and for greater capacity-building, gender mainstreaming and gender-responsive budgeting, policy analysis and advocacy. In those areas and others, it looked forward to working more closely with United Nations bodies as it strove to enhance the national machinery for women and further the advancement of all women in Brunei Darussalam.

10. **The Chairperson**, speaking in her capacity as an expert, asked the State party to ensure that it provided adequate responses to the concerns that would inevitably be raised in relation to the Sharia Penal Code and urged it to consider reforming the Code, which represented a step backwards for human rights and would have a disproportionately injurious impact on women.

Ms. Jahan, Vice-Chairperson, took the Chair.

Articles 1 and 2

11. **Ms. Šimonović**, recalling that the State party had entered a general reservation to any provision of the Convention which might be "contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam", asked the delegation to clarify: the Convention's legal status in view of that reservation; which persons or bodies decided which provisions were applicable and which were not; how such decisions were made; and how the principles and rights established in specific articles were incorporated into the State party's dualist legal system. She also wished to know: whether the State party had fulfilled its undertaking under article 2 of the Convention to embody the principle of equality in its Constitution and other legislation; whether a definition of discrimination that was in line with article 1 had been incorporated into national legislation; whether the possibility of ratifying the Optional Protocol was under consideration; what mechanisms had been established to facilitate cooperation with NGOs; and whether the NGO sector contributed to the development of national policy on women's rights.

12. **Ms. Bareiro-Bobadilla** questioned the need for the general reservation. As the Constitution of a country generally ranked first in the legal hierarchy, there was no need for a specific declaration to that effect. Nor, moreover, were the principles of the Convention in conflict with the fundamental principles of Islam. She urged the State party to review its

position. She also enquired whether, upon acceding to the Convention, the State party had reviewed existing laws to identify any articles that ran counter to the Convention, as it was required to do under article 2, noting with concern that application of the Sharia Penal Code was likely to deepen rather than reduce discrimination.

13. **Ms. Haidar**, noting that the death penalty, as an irreversible punishment, could not be considered compatible with a religion to which the notion of *rahma* (mercy) was central, sought the delegation's assurances that the moratorium would remain in place despite the introduction of the Sharia Penal Code, which apparently allowed not only for the imposition of the death penalty but also for other penalties equivalent to torture or cruel, inhuman and degrading treatment, particularly in cases of extramarital or premarital sexual relationships. So long as adultery remained a criminal offence, women would continue to face violations of their right to dignity, privacy and equality. She therefore invited the delegation to explain what had triggered such a retrograde step in a country that purportedly espoused tolerance and diversity and had appeared to be moving in the right direction.

14. **The Chairperson**, speaking in her capacity as an expert, urged the State party to look at best practices in other Muslim countries with a view to identifying policies and measures for eliminating discrimination and advancing women's rights.

15. **Ms. Othman** (Brunei Darussalam) said that the nearly 500 registered NGOs in Brunei Darussalam included 20 women's associations and that 13 of them were affiliated to the Council of Women of Brunei Darussalam. The Government provided an enabling environment in which NGOs were encouraged to be active, independent and self-financing. Support mechanisms through which NGOs could seek advice, information and funds existed in all relevant ministries and, in the Ministry of Culture, Sports and Youth, that function was performed by the Department of Community Development. Funding was also available through Village Consultative Councils, which were very active in capacity-building and awareness-raising at the community level.

16. **Ms. Matarsat** (Brunei Darussalam) said that the Council of Women of Brunei Darussalam was an NGO coalition which represented a broad cross section of women. Its mission was to unite and strengthen women's resources and enhance their status in all fields. The Council organized conferences, seminars, advocacy workshops and counselling courses, ran training and awareness-raising programmes and, as a member of various national committees, contributed to decision-making and policy formulation processes. It received financial and technical assistance from the Department of Community Development and, as the national representative body for women, was a member of the ASEAN Confederation of Women's Organizations, the South East Asia Women's Caucus and the International Council of Women.

17. **Ms. Othman** (Brunei Darussalam) said that any concerns relating to perceived cases of discrimination against women could be addressed either directly to the Special Committee on Women or to the Department of Community Development, which served as the Committee's secretariat. The Department ran an anonymous round-the-clock hotline and referred all complaints received to the relevant agencies for action.

18. The review of national legislation necessary to identify provisions contrary to the Convention was one of the main lines of action envisaged under the National Action Plan on Women. In the course of the review process, the authorities would consider whether the reservations to the Convention might be lifted and whether new targeted anti-discrimination legislation was required. The review had already begun but, due to a lack of technical expertise and capacity limitations, would inevitably be a long-term project. Those involved had petitioned the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) for support but, as a relatively wealthy nation, Brunei Darussalam did not qualify for inclusion in its capacity development and training programmes.

However, there was no lack of institutional will and commitment and UN-Women had undertaken to provide technical assistance once the first reporting cycle had been completed.

19. **Ms. Taib** (Brunei Darussalam) said that international instruments could be incorporated into the national legal system by means of an implementing law or amendments to existing laws. As part of its efforts to implement the Convention, the Government had amended its employment policy to afford female graduates and female non-graduates equal employment opportunities and to allow both male and female civil servants to claim certain family benefits and had adopted laws relating to domestic violence. The Government had no plans to withdraw its reservation to article 9, paragraph 2, of the Convention. However, the Nationality Act provided that a minor could acquire the nationality of Brunei Darussalam if a parent or guardian who was a national of Brunei Darussalam applied for it on their behalf. The Government did not consider its general reservation to the Convention to run counter to its object and purpose. Brunei Darussalam remained committed to fulfilling the obligations that it had incurred under the Convention.

20. Brunei Darussalam had a dualist legal system whereby sharia courts and civil courts operated in parallel. Sharia courts heard cases relating to marriage, divorce, property and inheritance and criminal cases covered by sharia law. The civil courts heard all other cases, including criminal cases committed by non-Muslims and criminal cases not covered by sharia law. Following the enactment of the Sharia Penal Code Order of 2013, the jurisdiction of the sharia courts had been expanded to cover criminal offences that also fell within the jurisdiction of the civil courts, such as murder, rape and theft. In cases where the jurisdiction of the sharia and civil courts overlapped, a decision had to be taken on whether the Penal Code or the Sharia Penal Code was applicable. The Sharia Penal Code laid down very strict evidentiary requirements. The due process of law was respected in all cases and defendants were presumed innocent until proved guilty. The Government was still examining the possibility of ratifying the Optional Protocol to the Convention.

21. **Ms. Othman** (Brunei Darussalam) said that the crime rate in Brunei Darussalam had increased and that the country was becoming increasingly unsafe, especially for women. The Sharia Penal Code Order, which had expanded the jurisdiction of the sharia courts to cover certain criminal offences, had been enacted to deter criminals and to make Brunei Darussalam a safer place.

22. **Ms. Haidar** asked whether the Sharia Penal Code could also be applied to non-Muslims and in what circumstances. While the enactment of the Sharia Penal Code Order would undoubtedly deter criminals, the strict evidentiary requirements laid down in the Code would make it very difficult for women to prove crimes such as rape. In the case of rape, what safeguards were in place to ensure that a woman who had been raped but who could not provide the necessary evidence was not punished for having had extramarital sex? Apart from safety concerns, what other reasons were behind the decision to enact the Sharia Penal Code Order?

23. **Ms. Šimonović** said that the State party should refer to the Convention itself for guidance on how to mainstream the gender perspective and should continue to collaborate with the Committee and UN-Women in that endeavour. Recalling that States parties were required to limit the scope of any reservations to the Convention and to formulate any such reservations as precisely as possible, she invited the State party to reconsider its general reservation to the Convention, which could be interpreted as being incompatible with its object and purpose.

24. **Ms. Schulz** said that, while the provisions of the Penal Code applied to both men and women, there were some provisions of the Sharia Penal Code, including those relating to the right to self-defence, that appeared to apply only to men. She asked whether women

were consequently denied the right to self-defence. Noting with grave concern that adultery and homosexuality carried the death penalty, she asked whether the State party planned to reconsider its position on the death penalty.

25. **Ms. Bareiro-Bobadilla** said the fact that Brunei Darussalam was a developed country should not prevent it from availing itself of technical assistance when required. The Sharia Penal Code did not afford women who had been raped better protection; rather its strict evidentiary requirements and discriminatory provisions gave men greater licence to commit that crime. The State party had a responsibility to guarantee women access to justice on an equal footing with men, to punish perpetrators and to provide redress to victims.

26. **Ms. Zou** Xiaoqiao asked whether the State party intended to adopt a comprehensive law prohibiting discrimination against women as defined in article 1 of the Convention.

27. **The Chairperson**, speaking in her capacity as an expert, suggested that the State party should consult other States parties in the region which had withdrawn their reservation to article 9, paragraph 2, of the Convention.

28. **Ms. Othman** (Brunei Darussalam) said that the Special Committee on Women and the Family Institution would be carrying out a review of the country's national legislation and would define discrimination against women in explicit terms in the relevant laws if necessary.

29. **Ms. Taib** (Brunei Darussalam) said that the Sharia Penal Code could be applied to non-Muslims when they committed criminal offences such as defaming the Prophet Mohammad or deriding the Koran. The Sharia Penal Code was applied to both Muslims and non-Muslims when they committed criminal offences such as having extramarital relations. Both Muslims and non-Muslims had to satisfy the strict evidentiary requirements in such cases. The crime of having extramarital relations could only be proved in one of two ways: by confession of one of the accused persons or by the testimony of at least four witnesses. In the case of a confession, only the confessor would be charged with the crime. The four witnesses had to faithfully perform their religious duties and refrain from committing major sins and were required to have seen the sexual act with their own eyes. If it could not be proved beyond all doubt that the crime of having extramarital relations had been committed, the perpetrators could be charged with a less serious offence. However, if the offence could not be proved under sharia law, the case could be heard by the civil courts.

30. **Ms. Pires** asked whether the Special Committee on Women and the Family Institution had discussed the impact of the Sharia Penal Code and whether the Special Committee could serve as a mechanism to monitor the application of the Sharia Penal Code and to assess its impact on women. She also wished to know whether the Department for Community Development possessed adequate financial and human resources to function effectively and to provide the necessary secretarial support to the Special Committee. Noting that the State party tended to place undue emphasis on the traditional role of women within the family, she asked what measures it had taken to promote the advancement of women as persons in their own right. How had the State party mainstreamed the gender perspective into the different government ministries and what challenges had it encountered along the way? Had the State party assessed its needs in terms of technical assistance and capacity-building? What progress had the State party made in establishing a system for collecting data disaggregated by sex? Had the national action plan on women yielded any positive results?

31. **Ms. Othman** (Brunei Darussalam) said that the Special Committee on Women and the Family Institution now met once a month to review the implementation of the various national action plans and to review and discuss the Sharia Penal Code and other legislation concerning women. However, it would take time to review the Sharia Penal Code in its

entirety. Gender mainstreaming, gender-responsive budgeting and the collection of data disaggregated by sex remained major challenges. The Government would require technical assistance if it were to make progress in those areas. A major development had been the introduction of a work-life balance programme for male and female civil servants.

32. **Ms.** Noridah **Hamid** (Brunei Darussalam) said that the Department for Community Development employed more than 280 officials. Within the Department, there was a section responsible for issues relating to women, children and the family. The section provided secretarial support to the Special Committee on Women and the Family Institution and coordinated stakeholders involved in implementing the various national action plans on women. The Special Committee was preparing to conduct research on issues affecting women in the country with a view to identifying policy gaps and challenges.

Articles 3 to 5

33. **Ms. Neubauer** said that, under the Convention, the State party was required to adopt special temporary measures to accelerate de facto equality between men and women. It was obvious from reading the State party's report that there was a lack of understanding of the purpose and scope of such measures. The State party had reported on the efforts that it had taken to afford men and women equal opportunities but not on the efforts that it had taken to accelerate de facto equality between the sexes. She asked whether discussions had been held on the need to adopt temporary special measures; whether policymakers were well versed in their use; and what measures the State party had taken to improve the situation of women who faced multiple forms of discrimination such as women with disabilities and women from vulnerable groups.

34. **Ms. Zou** Xiaoqiao said that the Committee could also provide the State party with guidance on how to build its technical capacity.

35. **Ms. Gabr** said that the State party seemed to take a rather narrow view of the role of women in society. It appeared to place great emphasis on the traditional role of women within the family and underestimated the important part that women played in the labour market and in other sectors of society. She asked how women were portrayed in school textbooks and in the media and what measures the State party envisaged taking to modify the social patterns of conduct of men and women and to combat gender stereotypes. It should be recalled that sharia law had served to empower women within the family and in society. She requested clarification on the link between harmful traditional practices such as female genital mutilation and sharia law.

36. **Ms. Acar** asked whether steps had been taken to identify and combat harmful, gender stereotypes and promote the equal sharing of family and household responsibilities between men and women. She wished to know whether the Government intended to adopt legislation that specifically criminalized all forms of violence against women, including sexual violence, sexual harassment and psychological abuse, and requested further information on the prevalence of domestic violence in the State party, including the number of perpetrators who had been prosecuted and convicted for such offences. Lastly, she enquired as to whether the provisions of the Association of Southeast Asian Nations (ASEAN) Declaration on the Elimination of Violence against Women and Children had been incorporated into the national domestic violence prevention strategy.

37. **Ms. Othman** (Brunei Darussalam) said that progress towards de facto equality between men and women had been shown by girls' strong performance in tertiary education. Around 70 per cent of women, compared with 20 per cent of men were university graduates. The Government continued to take proactive steps to address persisting negative gender-based stereotypes and enable women to progress with their educations and careers. Through

its national work-life balance programme, the Government had taken measures to promote equal sharing of family and household responsibilities between men and women.

38. **Ms. Yusoff** (Brunei Darussalam) said that school textbooks also promoted gender equality and the national school curriculum had been designed to provide a balanced and broad education to both boys and girls.

39. **Ms.** Noridah **Hamid** (Brunei Darussalam) said that regular awareness-raising events were held in schools and villages to promote equal sharing of family responsibilities between men and women. The Government also encouraged girls to enrol in technical and vocational courses and apply for jobs traditionally held by men.

40. **Ms. Abdullah** (Brunei Darussalam) said that most girls underwent female circumcision, a hygienic and healthy practice that was not classified as female genital mutilation. Female circumcision had not adversely affected maternal mortality rates in the State party. On the contrary, it had contributed to an improvement in perinatal and neonatal mortality rates. There was no specific national legislation prohibiting female genital mutilation, but particularly serious cases could be prosecuted under the provisions of the Penal Code.

41. **Ms. Wahab** (Brunei Darussalam) said that there had been a decrease in the number of women reporting cases of domestic violence in recent years. Provisions prohibiting domestic violence had been introduced into the Islamic Family Law Act and the Married Women Act, and the national police force remained committed to preventing and combating domestic violence cases. It had set up a Human Trafficking Investigation Unit and a Women and Child Abuse Investigation Unit to investigate such offences and had taken steps to improve the reporting system for victims.

42. **Ms. Othman** (Brunei Darussalam) said that the Government had a zero-tolerance policy towards violence against women and children, in accordance with the ASEAN Declaration on the Elimination of Violence against Women and Children, and had set up an anonymous hotline for reporting domestic violence cases. Non-governmental organizations also contributed to national domestic violence prevention efforts and regularly conducted education and awareness-raising workshops with women. The number of women reporting cases of domestic violence had increased significantly after the Government had published its first brochure on identifying and preventing domestic violence, but the reporting rate had subsequently stabilized. In recent years, there had been a slight reduction in the number of cases reported, from 132 cases in 2007 to 111 cases in 2013. As for combating sexual harassment in the workplace, the Government had conducted awareness-raising campaigns on the issue and was in the process of establishing a sexual harassment protocol containing advice and guidance for women.

43. **Ms. Haidar** asked whether safeguards had been put in place to prevent women victims who became pregnant as a result of rape from being charged with the offence of adultery.

44. **Ms. Taib** (Brunei Darussalam) said that cases of rape which could not be proved under sharia law could be brought before the criminal courts. Women victims who fell pregnant as a result of rape could not be charged with adultery.

45. **Ms. Gabr**, supported by **the Chairperson**, urged the State party to abolish all forms of female genital mutilation, including female circumcision, in accordance with article 5 of the Convention.

Article 6

46. **The Chairperson**, speaking in her capacity as an expert, noted that trafficking in women and girls and exploitation of prostitution in the State party was governed by three

different laws. She therefore requested detailed information on the differences regarding the application and implementation of those laws, the number of complaints received on trafficking in women and exploitation of prostitution and investigations, prosecutions, convictions and penalties relating to such crimes. Similarly, she wished to know whether the State party intended to establish procedures for the identification and protection of victims and whether it intended to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). She also asked whether the national human trafficking strategy contained a gender perspective and whether a monitoring mechanism had been established to evaluate its implementation. In addition, she enquired as to whether steps had been taken to develop a referral system for women victims of trafficking and provide them with access to shelters and protection from reprisals when bringing their cases before the courts. Lastly, she wished to know whether the State party held regular meetings with other ASEAN member States in order to devise joint initiatives to prevent and combat human trafficking in the region.

47. **Ms. Leinarte** asked whether prostitution was a criminal offence in the State party and whether women sex workers faced prosecution. She also wished to know whether the State party had taken steps to establish a strategy to reduce demand for prostitution and whether it would conduct research into the number of prostitutes in the country with specific reference to their nationality and ethnic origin.

48. **Ms. Othman** (Brunei Darussalam) said that the Trafficking and Smuggling of Persons Order was a recent addition to domestic legislation and that the national authorities were therefore more familiar with the provision of the Women and Girls Protection Act, which had been in force for a significantly longer period of time. The State party, in its capacity as the current chair of the ASEAN Committee on the Promotion and Protection of the Rights of Women and Children, had recommended drafting a human trafficking protocol for the region and had held regular meetings with other ASEAN member States in that regard. The Government had also devised an online child protection framework which aimed to prevent and combat online psychological and sexual abuse of children, particularly girls.

49. **Ms. Wahab** (Brunei Darussalam) said that the Human Trafficking Investigation Unit's main function was to review police reports on a daily basis for signs of suspected human trafficking activity. In 2013, the Unit had investigated over 100 suspected human trafficking cases. To date, the public prosecutor had brought four of those cases before the courts, one of which had resulted in a conviction of 4 years' imprisonment and a fine of 20,000 Brunei dollars. In addition, the Government had recently amended the Penal Code in order to criminalize sexual acts with minors, including cases of child prostitution and sexual grooming.

50. **Ms.** Noridah **Hamid** (Brunei Darussalam) said that the Government had established a referral system and two shelters for women victims of human trafficking.

51. **Ms. Taib** (Brunei Darussalam) took note of the Committee's concern regarding the differing penalties for trafficking under the Trafficking and Smuggling of Persons Order and the Women and Girls Protection Act and confirmed that the Government would consider harmonizing their provisions. Currently, it was left to the discretion of the public prosecutor to decide which of the two laws to invoke when prosecuting human trafficking cases. As for prostitution, chapter 22 of the Penal Code contained provisions prohibiting the sexual exploitation of women and girls.

Articles 7 to 9

52. **Ms. Nwankwo** asked whether the State party had taken specific measures, including temporary special measures, to promote women's participation in political and public life at all levels, in particular in the judiciary, in senior positions and the Foreign Service, including as ambassadors and heads of missions abroad. She asked the delegation to confirm whether women were eligible to vote and stand as candidates for all elections in the State party on an equal basis with men. Lastly, she requested updated sex-disaggregated data on the percentage of elected or appointed female officials in the State Legislative Council and information on the number of women ministers.

53. **Ms. Othman** (Brunei Darussalam) said that women were represented at all levels of the judiciary. Around 80 per cent of lawyers in the State party were women, and 7 out of 10 of the country's magistrates were women. Women could vote and stand as candidates in elections for village leaders. Representatives in the higher levels of Government such as the State Legislative Council were selected from the pool of elected village leaders. At present, there were two women in the State Legislative Council and that figure was expected to rise when the next set of members was appointed.

The meeting rose at 1 p.m

United Nations CEDAW/C/SR.1260

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
6 November 2014

English only

Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record (partial)* of the 1260th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 29 October 2014, at 3 p.m.

Chairperson: Ms. Ameline

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second periodic reports of Brunei Darussalam (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-19583 (E) 051114 061114

1419583

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second periodic reports of Brunei Darussalam (continued) (CEDAW/C/BRN/1-2; CEDAW/C/BRN/Q/1-2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Brunei Darussalam took places at the Committee table.*

Articles 7 to 9 (continued)

2. **Ms. Zou** Xiaoqiao, pointing out that the Nationality Act discriminated against women and children, said that if the single nationality policy was the State party's only reason for its reservation regarding article 9, then the reservation could be withdrawn because a number of countries, including the Lao People's Democratic Republic, Myanmar and Singapore, had similar policies and yet had not made any such reservation.

3. **Ms. Othman** (Brunei Darussalam) said that the delegation took note of the Committee's recommendation and was interested to learn that other countries with similar nationality policies had taken a different view of article 9 of the Convention.

Article 10

4. **Ms. Gbedemah** said that while the State party was to be commended on its excellent achievements in education, horizontal and vertical gender segregation persisted. She asked whether the Government intended to introduce temporary special measures to encourage women to pursue technical education, what optional courses were offered and what their gender make-up was. She wished to know whether curriculum reform had been undertaken to remove stereotypes from educational materials and whether teachers had received training on how their own behaviour could perpetuate gender stereotypes. Drawing attention to paragraph 52 of the State party's replies to the list of issues (CEDAW/C/BRN/Q/1-2/Add.1), she asked what special facilities had been made available for children with learning disabilities; she also wished to know and why there were twice as many males as females enrolled in special education programmes.

5. **Ms. Othman** (Brunei Darussalam) said that the Compulsory Education Order currently mandated 9 years of schooling, but there were plans to extend that to 12. The Special Committee on Women and the Family Institution had reviewed textbooks for stereotypes, and it had been determined that the best way to address the issue was to improve the quality of instruction. Teacher training was no longer offered, but all teachers had to be university graduates.

6. **Ms. Yusoff** (Brunei Darussalam) said that a review of technical education was under way, but that even though women were free to pursue technical studies, men still tended to be more inclined towards that stream. Optional courses were open to students of both genders and included home science, social studies, business and technology. The teacher-student ratio in special education classes was usually one to one.

7. **Ms. Othman** (Brunei Darussalam) said that inclusive education had been introduced some 20 years earlier. Teachers had to undergo additional training to work with children with disabilities, but the number of qualified teachers remained insufficient. The Ministry of Education had approved reforms to align technical education with industry needs, and it was hoped that the reforms would also address the participation of women.

8. **Ms. Yusoff** (Brunei Darussalam) said that the issue of enrolment in particular courses came down to choice: boys could not be forced to take subjects that did not interest them. Priority was therefore given to providing options.

9. **The Chairperson**, speaking in her capacity as an expert, said that education choices were often dictated by tradition and culture rather than personal freedom. That meant that Governments sometimes needed to actively promote women in certain fields, which she strongly encouraged the State party to do.

Article 11

10. **Mr. Bruun** said that while he welcomed the increased participation of women in the labour market, the lack of information on their actual occupations and levels was regrettable. He asked whether the State party had introduced the notion of equal pay for equal work and what legal safeguards were in place to ensure that women were not subjected to discrimination in the workplace. He urged the State party to take tangible measures to encourage women to report incidents of sexual harassment in the workplace. He was deeply concerned that Brunei Darussalam was a party to only two of the eight core International Labour Organization (ILO) conventions, and he heartily recommended that it should consider ratifying the other six as well as the ILO Maternity Protection Convention, 2000 (No. 183) and the ILO Domestic Workers Convention, 2011 (No. 189).

11. **Ms. Othman** (Brunei Darussalam) said that the Special Committee on Women and the Family Institution was working on solutions to address unconscious bias against women in the workplace and that a protocol and awareness-raising campaigns on sexual harassment were being developed. Citing statistics from the Global Gender Gap Report, she said that there was no gender pay gap in her country. The Government had adopted the Workplace Safety and Health Order and was open to ratifying additional ILO conventions. The rights of migrant workers were protected under the law: they were entitled to social housing, received fair wages and could access labour dispute-settlement mechanisms. Moreover, a 24-hour hotline was available to lodge labour-related complaints. Nearly 40 per cent of all female migrant workers were employed in the retail, wholesale, hotel and restaurant industries.

Article 12

12. **Ms. Pimentel** wished to know the way in which female genital mutilation was practised in Brunei Darussalam and the conditions under which it was performed, especially in the case of underprivileged women and those living in remote or rural areas. She asked what specific measures had been taken to ensure that all women had access to health care and free modern contraceptives, whether specific services were provided for elderly women and whether there was any oversight of medical services. She would welcome further details about the flying medical services mentioned in paragraph 12.1 of the report. She asked whether any campaigns for the prevention of workplace accidents, female cancers and sexually transmitted diseases had been developed. She also wished to know whether women who had contracted HIV/AIDS through contaminated blood received appropriate State compensation. Drawing attention to paragraph 12.12.1 of the report, she asked why comprehensive health screening was restricted to women aged 38 to 65. What steps were taken to enhance sexual and reproductive health education and awareness? Lastly, she asked whether the State party might review criminal and sharia law provisions banning abortion, in particular in the case of rape, incest or irreversible foetal defects.

13. **Ms. Othman** (Brunei Darussalam) said that a Government programme had been developed to introduce reproductive health education for pupils at the lower secondary level and up.

14. **Ms. Abdullah** (Brunei Darussalam) emphasized that the practice of female genital cutting carried out in the country was not classified as female genital mutilation, and that there was no significant correlated maternal mortality and morbidity rate. Health care for rural women was ensured through the flying medical service and clinics set up in rural areas. Those clinics provided prenatal and postnatal care, medical examinations for children and advice on contraceptive methods. Since 1986 there had been no reported cases of HIV/AIDS transmission caused by infected blood transfusions. HIV/AIDS treatment was guaranteed to Brunei Darussalam residents free of charge and to non-residents for a nominal fee. Several programmes were in place for the prevention and control of cancer and sexually transmitted diseases, including media and educational campaigns to raise awareness of cervical screening and a national human papilloma virus vaccination programme. The Ministry of Health had launched a breastfeeding and nutrition initiative to promote exclusive breastfeeding, and health-care providers, NGOs and the private sector were actively involved in its implementation. Construction was nearing completion of a women and children's block in the country's main hospital that would provide comprehensive maternal and child health services. There were no age limitations on health examinations for women, and all women were invited to undergo cervical screening and cardiovascular checks. All women, including rural women, had access to free contraception. As had been noted, sexual and reproductive health education was provided in schools, and information leaflets were available to the general public. Safe abortions were available in cases where the life of the woman was at risk.

15. **Ms. Othman** (Brunei Darussalam) said that Brunei Darussalam recognized that female genital mutilation violated girls' and women's rights. The practice performed in the State party did not constitute female genital mutilation as internationally defined, but in fact consisted of making a small scratch.

16. **Ms. Pimentel** said that assurances were needed that a review would be conducted within the context of the Penal Code reform of the currently unacceptable reporting requirements concerning rape.

17. **The Chairperson**, speaking in her capacity as an expert, stressed that women who had been raped were victims — and not perpetrators — of a crime who were entitled to protection and legal remedy. The law in force on that subject did not conform with that principle and thus contravened women's rights.

18. **Ms. Othman** (Brunei Darussalam) said that all legislation would be reviewed and that the gender perspective would be taken into account.

19. **The Chairperson** said that she took note of the commitment made by the delegation.

20. **Ms. Pomeranzi** said that owing to the lack of data, information was not available on the results of the programmes for women's economic empowerment. It was essential, however, to measure the effectiveness of such programmes, since low investment in them resulted in discrimination against women; moreover, economic development at the national level did not guarantee progress in other areas.

21. The State party, which had no public debt, did not appear to consider the provision of welfare benefits, including housing, disability and poverty allowances, as the people's right. She asked whether there were plans to review the social security scheme, particularly with a view to promoting women's economic empowerment and taking into account the unremunerated tasks of women domestic workers.

22. **Ms. Othman** (Brunei Darussalam) said that measures had been introduced through the Special Committee on Poverty to strengthen women's economic empowerment. There was no absolute poverty in Brunei Darussalam, but subsidies were provided for goods and amenities such as rice and petrol, and education and household benefits were allocated to

families in situations of relative poverty. Pension payments were administered by local leaders who visited beneficiaries' homes, to monitor living conditions. Through its programmes aimed at encouraging the population to provide care within the family and the community, the Government sought to discourage a culture of dependency on Government handouts.

23. **Ms. Pomeranzi** said that investment in projects to promote women's economic empowerment, including small-scale welfare programmes, was nevertheless crucial for women's advancement. Data needed to be provided in order to study the effectiveness of the programmes in place.

24. **Ms. Othman** (Brunei Darussalam) said that since the cycle of poverty could only be broken by investing in education for children, most social security benefits were distributed to women, who were responsible for children. The Government would consider drawing up a specific policy on welfare.

25. **Ms. Zou** Xiaoquiao requested additional information on the situation of rural women in the State party, their participation in the decision-making process and the percentage of women elected to office at the local level. She also asked what percentage of rural women owned land and whether they enjoyed the same access to credit and loans as men. Did the "One Village One Product" project incorporate a gender perspective, and how were women encouraged to participate in it? No information on the project had been provided: how many women had benefitted from that project, including disadvantaged groups of women?

26. She asked the delegation to confirm that there were 20,000 stateless women in Brunei Darussalam. According to information she had received, there were two categories of stateless person: those in the first category (persons with permanent residency) could not own land or benefit from subsidized health care or higher education, while those in the second category (persons without permanent residency) were not eligible for government benefits and could not access public services. What percentage of stateless persons were women, and what measures relating to basic social services, health care and education had been put in place to assist them?

27. **Ms. Othman** (Brunei Darussalam) said that it was difficult to establish a definition of "rural women" in the context of Brunei Darussalam because almost all the country was accessible and education and health-care facilities were widely available. Practically the entire population had access to improved drinking water, and most of the urban population had access to adequate sanitation and electricity. There were therefore no data on rural women. Neither was there any statistical information on the number of women elected at the local level, or on land ownership among women. Women could, however, own land. It was difficult to obtain data disaggregated by sex on credit and loans. It was too early to assess the impact of the "One Village One Product" project.

28. The issue of disadvantaged and stateless persons had been raised many times within the National Legislative Council. The number of women being granted citizenship was on the increase. Stateless persons had access to pensions (at the age of 60), education (upon payment of a nominal fee) and health care. As to disadvantaged persons and elderly persons, under the relevant legislation, everyone over the age of 60 was entitled to a pension, regardless of means. Additional financial assistance was also available for economically disadvantaged persons, along with home care. Families were encouraged to care for elderly relatives, and mutual responsibility was taught in schools. A special committee on issues affecting elderly persons had been established.

29. **Ms. Zou** Xiaoqiao requested up-to-date information on access to improved drinking water.

30. **Ms. Othman** (Brunei Darussalam) said that the vast majority of the general population had access to improved drinking water. In urban areas, most households had access to adequate sanitation, although that was not the case for rural areas.

Articles 15 and 16

31. **Ms. Hayashi** said that although the State party report indicated that Muslim women could freely choose their spouses, she had been concerned to learn that the consent of a guardian was required. Furthermore, under the Sharia Penal Code, Muslim women leaving the care of their parents or guardians without consent could be imprisoned. She requested background information on male guardianship.

32. She had been informed that there had been cases of polygamous marriages taking place in the State party without the consent of the first wife, and of first households being provided with inadequate support. She asked whether premarital education courses were available and how the Convention and the Committee's general recommendations, particularly general recommendations Nos. 21 and 29, were disseminated. Polygamous marriage contravened general recommendation No. 21 and should be prohibited. Had the State party held consultations with women's groups and religious leaders on that issue? While the minimum age for marriage varied from one religious group to another, the age of puberty was 16 for all religious groups. However, that did not mean that 16-year-olds were ready for marriage. How was legislation on the minimum age of marriage assessed? Given that a number of provisions on inheritance which discriminated against women and girls also remained on the statute books, she requested additional information on women's rights.

33. **Ms. Othman** (Brunei Darussalam) said, with regard to legislation on the minimum age of marriage, that education was compulsory up to the age of 14. The authorities intended to raise the duration of compulsory education to 12 years, a move that would raise the school-leaving age to 17, thus addressing the issue of early marriage.

34. **Ms. Taib** (Brunei Darussalam) said that Islam permitted the equal division of inheritance, on the condition that there was a consensus among the parties. Furthermore, Islam encouraged the making of gifts to women, and men were expected to fulfil the role of breadwinner. Therefore, men were entitled to a greater share of inheritance than women. Non-Muslims were subject to the relevant legislation on probate and wills.

35. As to the freedom of women to choose their spouses, non-Muslims were covered by the Marriage Act. The Islamic Family Law Act prohibited the making of threats and the use of deception to force women to marry. Although the age of marriage was below 18, prospective spouses did not marry until they felt ready and until certain conditions had been fulfilled. The consent of both partners was required and, in certain cases, the consent of a *wali* or *wali Hakim* must also be obtained (CEDAW/C/BRN/Q/1-2/Add.1, para. 68). In addition, both parties must apply to the Registrar for permission to marry. In the case of non-Muslims, both partners must freely consent to marriage and must demonstrate that they were capable of understanding the nature of the marriage contract. For a woman to leave the custody of her parents or guardians without their consent constituted an offence under the Sharia Penal Code. That provision had been included in order to protect unmarried girls and prevent them from leaving home without a valid reason.

36. **Ms. Othman** (Brunei Darussalam) said that the Convention on the Rights of the Child had already been incorporated into premarital courses and that consideration could be given incorporating the Convention on the Elimination of All Forms of Discrimination against Women as well.

37. **Ms. Taib** (Brunei Darussalam) said that under the Islamic Family Act men must obtain written permission from the courts in order to contract polygamous marriages;

failure to do so constituted an offence. Section 3 of the Marriage Act prohibited non-Muslims from contracting polygamous marriages.

38. **Ms. Othman** (Brunei Darussalam) said that polygamy was widely discussed in the State party and that a number of workshops on the issue had been held in which women and religious leaders had participated. All spouses in polygamous marriages had the right to fair treatment and could seek redress before the Sharia courts should that right not be respected. In the past, the authorities and NGOs had assisted women in that regard.

39. **The Chairperson** invited the delegation to make any concluding remarks.

40. **Ms. Othman** (Brunei Darussalam) said that the reporting process had afforded an opportunity to provide a detailed and comprehensive description of the status of women in Brunei Darussalam and the steps the State party had taken to implement the provisions of the Convention. Direct engagement with the Committee members, particularly regarding issues related to the development of women, had been extremely valuable. The State party faced a number of challenges in terms of capacity-building and the implementation of the Convention, and she expressed the hope that, in the future, Brunei Darussalam would be in a better position to access technical assistance from United Nations bodies regarding gender development issues. Brunei Darussalam would continue its efforts to implement the Convention, and the Committee members' comments would be brought to the attention of the relevant national agencies.

41. **The Chairperson** thanked the delegation for engaging in a constructive dialogue and commended the State party on its efforts. She also hoped that those provisions of the Sharia Penal Code which constituted serious violations of women's rights would be reconsidered and that those issues would be addressed in the State party's next report.

The discussion covered in the summary record ended at 4.45 p.m.

United Nations CEDAW/C/SR.1261

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
7 November 2014

English only

Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record of the 1261st meeting
Held at the Palais des Nations, Geneva, on Thursday, 30 October 2014, at 10 a.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined seventh and eighth periodic reports of Guinea

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-19584 (E) 061114 071114

1419584

Please recycle

Ms. Neubauer, Vice-Chairperson, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (*continued*)

Combined seventh and eighth periodic reports of Guinea (CEDAW/C/GIN/7-8; CEDAW/C/GIN/Q/7-8 and Add.1; HRI/CORE/1/Add.80/Rev.1)

1. *At the invitation of the Chairperson, the delegation of Guinea took places at the Committee table.*

2. **Ms. Kaba** (Guinea), introducing the combined seventh and eighth reports of Guinea, said that the Government attached great importance to women's rights. In accordance with the Committee's guidelines, the report had been prepared in close cooperation with non-governmental organizations (NGOs) working in the field of women's rights. In the past, despite the fact that Guinea had enacted a range of legislation and ratified a variety of international instruments intended to protect human rights, a lack of political will for their implementation had led to serious and widespread violations of human rights. The organization of presidential elections in 2010 and legislative elections in September 2013 had created conditions conducive to peace and the prevention of all social tensions. As a result, the Government had been able to introduce a number of important strategic reforms, enact legislation to support justice reform and the independence of the judiciary and implement policies and action plans to strengthen national cohesion and good governance, among other things. The Government believed that for the protection and promotion of women's rights to be effective, Guinea must first develop an overall culture of human rights. To that end, the Guinean authorities had begun the revision of a number of legislative instruments, including the Criminal Code, the Code of Criminal Procedure and the Children's Code, with a view to building a regulatory and legal framework for the realization of women's rights.

3. The establishment of the Ministry of Human Rights and Public Freedoms, the interministerial committee on human rights and the national observatory on gender-based violence was a testament to the Government's commitment to promoting women's rights in Guinea. A network of hundreds of NGOs working to protect women's rights had been making an active contribution to that end and had become important partners with the public authorities.

4. Progress had been made in the area of the right to life and protection of the human person. Measures were being taken to effectively combat all forms of violence, including female genital mutilation and sexual abuse. Considerable efforts were being made to combat impunity. A process of institutional reform had been undertaken in order to strengthen the State's capacity to prevent and punish violations of women's rights. As part of that process, the Government had introduced greater checks on the executive authorities, a strengthened parliamentary assembly, an independent judiciary and institutions to guarantee the rights and freedoms of all citizens. In short, the aim was to strengthen the rule of law. It was a long-term project and there were many challenges to be overcome, including high rates of poverty and illiteracy, which were a major obstacle to the enjoyment of human rights. Human rights and humanitarian law had therefore been included in the school and university curricula and professional training programmes as a matter of public policy.

5. Public awareness-raising on traditional practices that were harmful to maternal and child health was conducted throughout the country through all available modern and

traditional communication channels. In that context, women were informed as to how to exercise and defend their fundamental rights individually and collectively.

6. Measures would also be taken to address the slow pace and complexity of judicial proceedings, which affected the credibility of the country's courts. The Government's efforts centred on ensuring access to justice and the judicial institutions for all. The Government was committed to combating arbitrary arrest and detention and all forms of abuse against women and ensuring freedom of speech and assembly.

7. The fact that Guinea was currently faced with a serious health and humanitarian crisis could not be ignored. The Ebola virus had claimed many victims, and health workers and women had been disproportionately affected. The Heads of State and Government of Guinea, Sierra Leone, Liberia and Côte d'Ivoire had adopted a joint strategy for the eradication of Ebola in West Africa. At the national level, the Government had declared a public health emergency in August and had introduced compulsory medical checks at all border checkpoints and airports. The Ebola virus had had an impact on the national economy in the form of a downturn in trade, decreased productivity and a decline in activity in the transport, investment and tourism sectors. To date, Guinea had suffered a loss of almost 2.5 per cent of predicted growth in gross domestic product, and the situation could worsen if the epidemic was not stemmed. Guinea was grateful for the solidarity shown by many States and organizations in providing support. However, there were still pressing needs related to strengthening health infrastructure and increasing the number of health personnel and financial, material and logistical resources.

Articles 1 to 6

8. **Ms. Ameline**, Chairperson, who would be speaking in her capacity as an expert, said that it was time to put an end to the culture of impunity in the light of the State party's violent past. She wished to know what follow-up had been given to the conclusions of the commissions of inquiry into the events of 28 September 2009 in Guinea. She would be interested to know what had been done to ensure justice and reparations for the hundreds of rape victims, for example. Noting that the absence of a constitutional definition of discrimination in accordance with the Convention was an obstacle to real equality in practice, she asked what the State party intended to do to address that situation. She also wondered whether there were plans to establish a national human rights institution in accordance with the Paris Principles. She requested additional information on the situation of female refugees, women's access to justice and the situation of women in prisons.

9. **Ms. Schulz** asked about the time frame for adoption of the revised Criminal Code, Code of Criminal Procedure and Children's Code by the National Assembly. She also wished to know when the State party intended to ratify the Optional Protocol to the Convention and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. She would also be interested to know the time frame for the implementation of the measures to strengthen the judicial system, such as combating impunity and setting up courts, and what resources, including international assistance, were available for that process. She wished to know the Government's plans for ensuring sustainable budgetary resources for gender equality policy.

10. **Ms. Pomeranzi** asked about the size of organizational and human resources available to the Ministry for Social Affairs, the Advancement of Women and Children's Affairs and the percentage of the national budget allocated to it. She stressed the importance of putting the improvement of the situation of women at the centre of all policy, not only in areas such as health, employment and economy, but also in relation to the implementation of Security Council resolution 1325 (2000).

11. **Ms. Bareiro-Bobadilla** noted that there were many plans in place related to gender equality but apparently very limited resources and wondered how much of the budget set aside for gender equality came from the State and how much from international donors. She would be interested to hear about the relationship between the Ministry for Social Affairs, the Advancement of Women and Children's Affairs and other State institutions and civil society. She asked whether the State's Ebola policy included a gender perspective and special provisions for women and girls.

12. **Ms. Kaba** (Guinea) said that dealing with the Ebola epidemic was a national priority. As the outbreak had come unexpectedly, the State party had not been well prepared and had faced major difficulties on account of its limited resources and gaps in its health service. As the Government had not originally expected the outbreak to last so long, it had simply adopted a generalized response for the population as a whole. However, as the epidemic continued to spread, efforts were being made to adapt the response to various groups, including children separated from their parents and widows, for example. Women were most at risk of contracting the virus as they played a traditional role as carers in the family. At the outset, an Ebola response centre had been set up in the capital's main hospital. However, with the help of development partners, services were now being decentralized in order to limit the risks to other patients at that hospital, and five centres would be established in other towns.

13. It was true that the budget for gender equality was limited and did not match the State party's ambitions in that area. The Ministry for Social Affairs, the Advancement of Women and Children's Affairs was partially decentralized but its objective was to have focal points in all parts of the country at all levels. There was a high level of commitment to supporting women in becoming independent as the most important step towards equality. With the support of the United Nations Population Fund, the Government was in the process of constructing centres for the empowerment of women nationwide; five of the eight centres had already been completed and an existing centre in Conakry had been completely refurbished. The centres provided training to girls and women in a range of vocational areas. There were also 14 microcredit institutions that provided loans to support revenue-generating activities. The Ministry of Agriculture provided women with equipment to alleviate their work in the fields.

14. **Mr. Camara** (Guinea) said that guaranteeing access to justice for victims of violations was a priority for the Government. A distinction must be made between access to justice in peaceful times and times of crisis, such as in the aftermath of the events of 28 September 2009. During crises, the first step had been to recognize the facts that had emerged from the commissions of inquiry, including major violations of women's rights. Among the reforms undertaken, a panel of investigating judges had been put together. Some witnesses had been heard, but others were reluctant to come forward out of fear and a lack of trust in the justice system. Letters rogatory had been issued to foreign courts against accused persons absent from the country, but they had yet to produce results. The Government was committed to ensuring that victims' rights were restored. In peaceful times, the Ministry of Justice, in cooperation with NGOs, made efforts to set up special units to provide legal services to women in need, for example to help resolve marital conflicts.

15. With regard to the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Guinea had deposited its instruments of ratification in 2012 but was still awaiting acceptance of its ratification by other States. With regard to the Optional Protocol to the Convention, the State party wished to ratify that instrument but was awaiting a decision from the committee responsible for evaluating all ratifications of international human rights instruments.

16. **Mr. Barry** (Guinea) said that a reform of the justice sector was one of numerous reforms initiated since the restoration of the constitutional order in 2010. A plan of action to carry out justice reform had been adopted in July 2014 and the Government had already embarked on penal reform, including a review of the Criminal Code, Code of Criminal Procedure and Children's Code, in areas where external technical and financial assistance had not been required. Considerable progress had been made on incorporating the various international instruments to which Guinea was a party into national penal law. However, outside support was needed for the reconstruction of the judicial and prison system infrastructure. During the social upheavals in recent years, over half of the nation's prisons and judicial buildings had been destroyed, resulting in extreme prison overcrowding and poor living conditions, with men, women and children kept on the same premises. There were therefore plans to build a large new prison in Conakry and smaller facilities in the regions.

17. Although work to integrate the provisions of the Convention into the Civil Code had begun in 2001, setbacks associated with the turbulent events of the intervening years had meant that the relevant amendments could not be submitted for parliamentary approval. However, the 2013 elections had given a new impetus to the legislative effort; a new draft of the Code was under preparation and the appropriate provisions had been incorporated into the draft.

18. **Ms. Magassouba** (Guinea) said that the Forum of Women Parliamentarians comprising all female members of parliament was lobbying to accelerate the adoption of the revised Civil Code, which would be in line with the various undertakings assumed under the international instruments to which Guinea was a party. Anticipating queries regarding the repeal of articles under the Civil Code relating to the prohibition of polygamy, she explained that, when the revision process had commenced, Guinea had been led by a polygamous President who had systematically rejected any draft which prohibited polygamous practices. The Prime Minister at the time had also been seeking to take a second wife. The judges involved in the harmonization effort had therefore advised ministers that, in order to ensure the smooth passage of all other amendments, the article in question should allow for the option of limited polygamy. Fortunately, with the new democratic civil government in place, objections to the prohibition against polygamy should be a thing of the past and it was hoped that the draft could be reworked to reinstate the absolute prohibition prior to its submission for approval.

19. At the time of the Forum's establishment there had been no parliamentary commission for gender equality. However, during a recent visit, the Chairperson of the gender equality commission of the National Assembly of Sierra Leone had asked to meet her counterpart, giving the Forum fuel to fight successfully for the establishment of an equivalent commission in the Guinean legislature. Just one session had been held so far. The second would focus on gender-sensitive budgeting for 2015.

20. **Ms. Kaba** (Guinea) said that the Ministry of Social Affairs and the Advancement of Women and Children had made every effort to ensure that the revised version of the Civil Code was passed, including by seeking the support of the Prime Minister and First Lady. Now that the Legislative Assembly was firmly in place, there should be no obstacles to the adoption of the amended Code.

21. Her Government had come up with a national action plan to give effect to Security Council resolution 1325 (2000), which would seek to provide the security and justice personnel with specialized training in the protection of the human rights of women in conflict situations and to raise public awareness about the resolution. Provision had also been made to enable NGOs involved in women's rights to associate themselves in court actions with the public prosecutor for violations of those rights and defend the victims. That was a significant advance as victims of offences such as assault or rape were often reluctant

to come forward. However, her Government would continue to need technical and capacity-building assistance, as it still lacked the qualified personnel necessary to fully uphold the rights of women.

22. **Mr. Camara** (Guinea) said that positive law took precedence over the other existing forms of law in Ghana. However, in many regions, customary marriages were celebrated. The failure to register marriages with a civil registrar would not be resolved by invoking the relevant provisions of the Civil Code but rather by conducting extensive campaigns to raise awareness, particularly among illiterate women, that civil marriage must precede any religious marriage.

23. **Mr. Barry** said that his Government had embarked on justice reform that would stretch over the period 2014–2024. As public funding for carrying out the reform was inadequate, it was being introduced gradually, and he called for international assistance to expedite the process.

23. **Ms. Touré** (Guinea) said that Guinea had been one of first nations to introduce gender focal points, which had been accorded an increasingly high status in the Government. Separate gender units had been set up in the departments with the rank of administrative division. The Government would make every effort to ensure that the units had the necessary financial and human resources in cooperation with its international partners.

24. **Ms. Kaba** (Guinea) said that there had been considerable flows of refugees from war-torn neighbouring countries, notably Liberia and Sierra Leone. It had succeeded in repatriating on a voluntary basis many of those refugees, with the support of international partners. However, it had had no difficulties in integrating those who had wished to remain in the country into society and providing them with the necessary social services with the assistance of agencies such as the Office of the United Nations High Commissioner for Refugees (UNHCR).

25. **Mr. Diawara** (Guinea) said that with the adoption of the Constitution of May 2010, his Government was poised to set up a national human rights institution in accordance with the Paris Principles. However, the efforts had been set back, as the current health crisis had drained resources away from doing so. Nevertheless, he trusted that such an institution would be put in place by 2015.

26. **Ms. Ameline**, commending the State party on the decentralized mechanisms for the protection of the rights of women and girls and welcoming the presence of a member of parliament on the delegation, said that the democratic transition of the country presented a number of opportunities. As the revision of the Criminal Code had not yet been completed, it would be opportune to review all the provisions of the Code which might be discriminatory, for example those covering rape. She urged the delegation to consider the comprehensive description of discrimination set out in the Convention, which would help to enable the State party to address all forms of violence against women.

27. **Ms. Schulz**, commending the State party on its extensive cooperation with NGOs, especially women's organizations, asked what was being done to ensure that the State was involved in promoting the rights of women throughout the country even when resources were lacking.

28. **Ms. Pomeranzi** said that local efforts played a particularly important role in developing countries such as Guinea. It was therefore important for local actors such as the gender units mentioned earlier to be given the proper authority so that they might effectively coordinate their efforts with NGOs on the ground.

29. **Ms. Bareiro-Bobadilla** said that she would appreciate precise figures on the share and amount of the national budget that was set aside for gender mainstreaming and the

promotion of the rights of women and girls as well as of the funding from non-governmental organizations.

30. **Ms. Kaba** (Guinea) said that the decentralization of the institutions for the advancement of women was indeed part of the national vision. However, there had been a number of setbacks in recent years owing to the political situation in the country. Nevertheless, every effort would be made to further the decentralization process and to defend the status of the departments for the protection of women's rights that had been put in place. Without the support of NGOs and civil society organizations such efforts would be ineffective. The Government had begun to take stock of all NGOs working in regions that it had been unable to reach, which would enable it to work more closely with those organizations. Her delegation would provide the budget figures requested.

31. **Mr. Diawara** (Guinea) said that, although the Constitution did not set out a formal definition of discrimination, providing such a definition was a matter of concern to his Government. He cited article 8, which clearly guaranteed equality between men and women. Nevertheless, the issue of defining discrimination would be taken up by the national human rights institution that he had discussed earlier and his Government would take into consideration the Committee's recommendation concerning such a definition.

32. **Ms. Bareiro-Bobadilla** said that the measures to promote genuine gender equality cited by the delegation in areas such as education did not constitute temporary special measures as such within the meaning and scope of the Convention. The prohibition in the State party against women's performing certain kinds of night work under the law was in no way a measure that would promote equality. While she welcomed the fact that pregnant teenagers were no longer expelled from school, which was a permanent rather than a temporary special measure, the State party might consider introducing a temporary special measure such as setting up a fund for pregnant students to help care for their children so that they could continue their studies. Another example of a special temporary measure might be to provide financial or other incentives to local authorities to end the practice of female genital mutilation. Lastly, she drew attention to general recommendation No. 25, on temporary special measures.

33. **Ms. Gabr** said that she did not find in the report or replies to the list of issues information on what the State party was doing to address stereotypes and harmful traditional practices, in particular the efforts to change attitudes and mindsets. How was the Government endeavouring to change hearts and minds about early and levirate marriage, for example? How were civil society and traditional leaders involved in dealing with the matter? More information was needed on the legal measures taken to criminalize practices such as female genital mutilation.

34. **Ms. Acar** said that the Government seemed to be passive or reticent when it came to combating gender stereotypes and discriminatory patterns and norms. She would like to know what specific measures had been taken to combat gender stereotypes and what impact they had had. Had the provision under the Civil Code which made men the heads of household been amended? She requested clarification of reports that female genital mutilation had been on the rise in Guinea and that more than a third of the cases of such mutilation had been performed by medical professionals despite its criminalization. She would appreciate specific data on the incidence of early marriage, domestic violence and sexual violence, including workplace harassment. Lastly, were there plans to enact a comprehensive law on violence against women and what relevant provisions would be included in the revised Criminal Code?

35. **Ms. Jahan**, noting that Guinea remained a source, transit and destination country for trafficking in women and children for the purposes of forced labour and sexual exploitation, said that the Committee would welcome additional information on the root causes and

prevalence of trafficking in women and girls in the State party. She asked how the State party planned to provide the National Committee to Combat Trafficking in Persons and the Office for the Protection of Gender, Childhood and Morality with adequate financial and human resources. The Committee had received reports that law enforcement officials had helped to thwart investigations into cases of human trafficking. She invited the delegation to comment on those reports. She asked what measures the State party had taken to address shortcomings in the area of victim identification; whether law enforcement officials and judicial personnel had been provided with training on how to deal with cases of human trafficking; and whether Guinean peacekeeping forces received such training before embarking on United Nations peacekeeping missions.

36. The Criminal Code did not class human trafficking as a serious offence or prescribe stringent penalties that were commensurate with the gravity of the crime. She asked whether the State party intended to adopt a comprehensive anti-trafficking law prescribing harsher penalties for human trafficking and forced prostitution and whether it had adopted a new national action plan to combat trafficking to succeed the plan for the period 2011–2013. She asked whether prostitution remained illegal in Guinea and, if so, what penalties were prescribed for that offence. Lastly, she requested additional information on the role played by NGOs in protecting and rehabilitating victims of human trafficking and on the programmes available to women wishing to leave prostitution.

37. **Mr. Camara** (Guinea) said that the National Committee to Combat Trafficking in Persons was the national mechanism responsible for coordinating all efforts to combat that phenomenon. Public sector actors and civil society organizations contributed to the work of the National Committee. Guinea had aligned the objectives of its national plan of action to combat trafficking with those of the regional plan of action adopted by the Economic Community of West African States (ECOWAS) and had signed bilateral cooperation agreements with neighbouring countries such as Mali and Senegal in an effort to combat trafficking in children. The Guinean authorities had recently collaborated with the Senegalese authorities to locate and repatriate a group of children who had been trafficked. The traffickers had been brought before the courts and tried. The United Nations Office on Drugs and Crime (UNODC) had assisted Guinea in developing an anti-trafficking law. Guinea planned to incorporate the provisions of that law into its revised criminal legislation. Non-governmental organizations that worked to protect and assist women and children who had been trafficked could take legal action on their behalf. Guinea called upon the international community to assist it in training those responsible for intercepting trafficked women and children and in strengthening its borders.

38. **Mr. Barry** (Guinea) said that the act of prostitution itself was not illegal but that pimping was. Pimps incurred severe penalties under Guinean criminal law. Guinea was in the process of incorporating the relevant provisions of the Rome Statute of the International Criminal Court, which criminalized forced prostitution, and the provisions of other relevant international agreements into its criminal legislation.

39. **Ms. Kaba** (Guinea) said that no studies had been conducted on female genital mutilation, early marriage or forced marriage. However, the Government recognized the need to collect statistical data on those phenomena in order to combat them more effectively. The Government had taken a number of steps to combat female genital mutilation. Victims of female genital mutilation could submit a complaint to the competent government ministries, which would ensure that they received adequate attention. Furthermore, schools were required to inform students of the dangers of female genital mutilation. The Government had also banned all materials promoting the practice and had launched a number of awareness-raising campaigns in an attempt to end it. The launch of one particular awareness-raising campaign, which had been funded by the United States of America, had been postponed on account of the outbreak of the Ebola epidemic in the

region. It was hoped that the campaign would be launched before the end of 2014. Non-governmental organizations that assisted victims of female genital mutilation could take legal action against the perpetrators on behalf of the victims. A hotline for reporting cases of female genital mutilation had also been set up.

40. **Ms.** Aïssata M'Bara **Diallo** (Guinea) said that girls who fell pregnant were no longer expelled from school but instead could request to take a special leave of absence. The Government had previously taken positive discrimination measures to give schoolgirls greater access to bursaries. While those measures had since been discontinued because of public sector mismanagement, the Government intended to reintroduce them in the near future. More bursaries were granted to girls in the higher education system than to their male counterparts. The Government also practised positive discrimination to ensure that all girls wishing to pursue mathematics or science at university and who met the entrance requirements were automatically admitted to their course of choice. Furthermore, girls in secondary schools were actively encouraged to study mathematics and science.

41. **Ms.** Aïssatou **Diallo** (Guinea) said that the Government had launched campaigns to raise the awareness of schoolgirls of issues affecting their health and to inform them about family planning. It was hoped that those campaigns would lead to fewer adolescent pregnancies. The Government was also aware of the need to ensure that each prefecture had health-care centres where girls could go for check-ups and obtain information on issues relating to their sexual and reproductive health. Campaigns to raise the awareness of parents and girls of the dangers of early marriage had also been launched.

42. **Ms. Kaba** (Guinea) said that the high maternal mortality rate could be attributed in part to the fact that a large proportion of women chose to give birth at home to avoid paying for procedures such as Caesarean sections. The Government had since made Caesarean sections free of charge to all women in Guinea. The high maternal mortality rate could also be attributed to the distance that some women would have to travel to give birth in a health-care establishment. The Government was planning to increase the number of health-care establishments in each prefecture of the country to shorten the distance women would have to travel to access maternity services. Moreover, the provision establishing the man as the sole head of household had been removed from the revised version of the Civil Code.

43. **Mr. Camara** (Guinea) said that the Government was committed to strengthening its partnership with civil society organizations that assisted women who were the victims of violence and had devised a set of operating guidelines to that end. The guidelines included a mechanism for providing women who reported an act of violence against them with immediate protection, as well as access to justice and rehabilitation services. A hotline had also been set up for women in distress. The Government planned to amend its criminal legislation to class sexual harassment in the workplace and other settings as a crime. Perpetrators of acts of violence against women and sexual harassment would be prosecuted and punished.

44. **Ms. Acar** asked whether the State party planned to adopt a comprehensive law prohibiting violence against women and whether legal action could also be taken against health professionals who practised female genital mutilation.

45. **Ms. Ameline** asked whether the State party planned to decriminalize homosexuality, as lesbian women were often subject to multiple forms of discrimination. She also wished to know whether the Government collected statistics when carrying out its various national action plans.

46. **Ms. Jahan** requested additional information on the anti-trafficking law developed in cooperation with UNODC and on the programmes available to women wishing to leave prostitution.

47. **Ms. Šimonović** asked whether the State party intended to amend its Constitution to include a definition of discrimination against women that was in line with that contained in article 1 of the Convention, whether the Convention prevailed over domestic legislation and could be applied directly in the State party and when the revised Civil Code would be adopted.

48. **Mr. Camara** (Guinea) said that, while homosexual relations were treated as a crime under the law, homosexuality was still practised in the country. The Government did not discriminate against homosexuals but found it difficult to keep open lines of communication with associations advocating their rights. No cases relating to homosexuality had been brought before the courts. If homosexual men or women felt that their rights had been violated, they could file a complaint with the judicial authorities.

49. The anti-trafficking law was a specific, stand-alone piece of legislation, which had been the subject of extensive consultations with experts in women's rights and other fields. However, the Government had subsequently decided that the provisions of the anti-trafficking law should be incorporated into the country's revised criminal legislation. Once that process was completed, the anti-trafficking law would cease to exist. The law guaranteed victims of trafficking access to medical and legal assistance. Civil society organizations played an active role in providing the victims of trafficking with the requisite guidance and support.

50. The Government intended to conduct a study to determine the prevalence of prostitution in the country. After the study had been completed, the Government could begin to devise programmes to assist women wishing to leave prostitution. Prostitutes needed to be informed of the risks associated with prostitution and how to care for their health.

51. International conventions were ratified by the National Assembly and then promulgated by the President of the Republic. Once published in the Official Journal, international conventions could be invoked before the courts and applied directly.

52. **Mr. Barry** (Guinea) said that the country's criminal legislation had been revised to ensure consistency with the May 2010 Constitution, to incorporate provisions of international instruments and to remove outdated provisions. The process of revising the country's criminal legislation was not yet complete.

53. **Ms. Kaba** (Guinea) said that there was currently no comprehensive law prohibiting violence against women. The Government would give serious thought to adopting such a law in the future. It was hoped that the National Assembly would adopt the revised Civil Code by April 2015.

Articles 7 to 9

54. **Ms. Gbedemah** said that, despite the fact that the 2009 Constitution set a 30 per cent quota for women in elected office and that the Electoral Code set a 30 per cent quota for women on parliamentary candidate lists, women were still underrepresented at those levels. She asked what obstacles were preventing the equal participation of women in public life and what temporary special measures had the State party taken to reverse the effects of those obstacles. How did the State party ensure that the quotas provided for in the 2009 Constitution and the Electoral Code were met and did the State party plan to introduce penalties for non-compliance? Why had the number of women occupying ministerial positions fallen? She also enquired as to the content of the bill on parity mentioned in the State party's written replies (CEDAW/C/GIN/Q/7-8/Add.1).

55. In its previous concluding observations (CEDAW/C/GIN/CO/6), the Committee had recommended that the State party should establish concrete goals and timetables with a

view to accelerating its efforts to increase the number of women in elected and appointed office in all areas of public life, take measures to increase the number of women in decision-making positions in the public administration and in the private sector and highlight the importance of women's full and equal participation in leadership positions for the development of the country. She asked what measures the State party had taken to give effect to the Committee's recommendations in that regard and what results had been achieved.

56. **Ms. Nwankwo** said that the Committee welcomed the fact that the discriminatory provisions on nationality and birth registration referred to in the written replies had been revised in the draft Civil Code. The revised Civil Code should therefore be adopted as soon as possible to give effect to the new provisions.

The meeting rose at 1 p.m.